THE CORPORATION OF THE CITY OF GRAND FORKS

PARK AND PUBLIC SPACES ACCESS BYLAW NO. 2057

A BYLAW TO REGULATE THE USE OF PARKS, TRAILS, BEACHES AND BOULEVARDS

The Municipal Council of the Corporation of the City of Grand Forks, in open meeting lawfully assembled, **ENACTS** as follows:

Citation

1. This bylaw may be cited as **"Park and Public Spaces Access Bylaw No. 2057".**

Definitions

2. In this bylaw, unless the context otherwise requires:

2.1 **"At Large"** means any animal in a Park or Public Space, or on private property other than the Owner's property, and not securely leashed and under control of the Owner;

2.2 **"Bylaw Enforcement Officer"** means every person(s) designated by Council as a Bylaw Enforcement Officer for the City or otherwise authorized under the Offence Act, and every Peace Officer;

2.3 **"City"** means the Corporation of the City of Grand Forks;

2.4 **"Council"** means the Council of the City of Grand Forks;

2.5 **"Dog Off-Leash Park"** means any Park within which dogs are permitted to run at large subject to the restrictions established in this bylaw;

2.6 **"Fire and Life Safety Bylaw"** means the Grand Forks Fire and Life Safety Bylaw No. 1965 as amended or replaced from time to time;

2.7 **"Firearm"** means a barrelled weapon of any description from which any shot, bullet or other missile can be discharged. It includes any prohibited weapon, whether a lethal weapon or not.

2.8 **"Highway"** includes a street, road, lane, bridge, viaduct and any other way open for the use of the public but does not include a private right-of-way on private property;

2.9 **"Homeless Person"** means a Person who has neither a fixed address or a predictable residence to return to on a daily basis;

2.10 **"Motorized Vehicle"** means any type of vehicle capable of propulsion by an internal combustion or electric motor, but excluding wheelchairs and scooters used as a mobility aid for the disabled, and peddle-assist bicycles;

2.11 **"Municipal Ticket Information Bylaw"** means the *City of Grand Forks Municipal Ticket Information Bylaw* No. 1957 as amended or replaced from time to time;

2.12 **"Municipality"** means the area within the City boundaries of the City;

2.13 **"Owner"**, in respect of any animal, means a person who keeps, harbours, or has temporary or permanent possession of an animal;

2.14 **"Park"** means any real property owned or subject to a right of occupation by the City for the purposes of pleasure, recreation, or community uses of the public, including all dedicated public parks, Municipal Hall grounds, or other lands used for public parks, or any playground, sports court or field, public square, beach, boulevard or cemetery within the corporate limits of the City of Grand Forks;

2.15 **"Peace Officer"** shall have the same meaning as in the Interpretation Act;

2.16 **"Person(s)"** includes any company, corporation, owner, partnership, firm, association, society or party;

2.17 **"Property"** means land, with or without improvements, so affixed to the land as to make them in fact and in law, a part of it;

2.18 **"Public Space"** means any real property or portions of real property owned or leased by the City to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, the grounds of public facilities or buildings, the Kettle and Granby Rivers' foreshore, and public parking lots;

2.19 **"Temporary Shelter"** means a tent, lean-to, or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard, or other similar non-rigid material, and that covers an area of less than ten (10) square meters.

2.20 **"Trail"** means any pathway or trail and all improvements, including all public sections of the Trans-Canada Trail, within the corporate limits of the City of Grand Forks but does not include the travelled portion of a Highway;

2.21 **"Vehicle"** means all conveyances for the carriage or transport of persons, passengers, goods, or materials whether self-propelled or drawn or pulled by animals or any mechanical, muscular device, or other motive power whatsoever, and shall include but not limited to Motorized Vehicles, trailers, skateboards, long-boards, bicycles, and tricycles.

Regulations

3. A person shall not enter or be upon or within any Park between the hours of 11:00 p.m. and 6:00 a.m.

4. Notwithstanding Section 3, where there is no accessible shelter accommodation available in the City or in reasonable proximity thereto, a Homeless Person may, without prior written permission of the City, reside in a Park, including erecting and occupying a Temporary Shelter, except in designated Parks listed in Schedule "A" of this bylaw, between the hours of 7:00pm on one day and 9:00am of the following day, provided that the Homeless Person:

    4.1 does not erect the Temporary Shelter until after 7:00pm on one day;

    4.2 takes down and removes the Temporary Shelter from the Park prior to 9:00am on the following day;

    4.3 complies with other provisions of this bylaw;

    4.4 does not reside or erect the Temporary Shelter in, on, under, or within:

        4.4.1 playgrounds, spray parks or pools;
        4.4.2 skateboard parks, tennis courts or other sports courts;
        4.4.3 sports fields, stadiums or dugouts;
        4.4.4 stages or bleachers;
        4.4.5 washroom facilities, picnic shelters, or gazebos;
        4.4.6 cemeteries;
        4.4.7 pathways or bridges;
        4.4.8 Trails, Highways, sidewalks or parking areas;
        4.4.9 all other Public Improvements.

    4.5 A Temporary Shelter found to be placed, secured, erected, used or maintained between the hours of 9:00 am and 7:00 pm on any Public Space or Park within the City shall be unlawful and subject to enforcement and removal, including any possessions, wastes and other incidental materials.

    4.6 Temporary shelters found in any areas described in Section 4.4 shall be subject to immediate removal.

5. A person shall not carry or discharge any Firearms, bow, crossbow, sling-shot, boomerang or other weapon of any description within a Park, school ground or other Public Space under the jurisdiction of the City of Grand Forks.

6. A person shall not take away any gravel, sand, or earth from any part of any Park.

7. A person shall not throw, deposit, drop, leave or dump any garbage, glass, bottles, cans, litter, ashes, cigarette or cigar butts, refuse, trash, rubbish, or other materials, in any Park, Public Space, or waters adjacent thereto.

8. A person shall not light any fire on or within any Park or Public Space within the Municipality, except in a fireplace or area provided for that purpose and only as permitted by the current Fire and Life Safety Bylaw.

9. A person shall not be on the roof of any building in any Park or Public Space unless that person is an employee or agent of the City of Grand Forks carrying out his or her regular duties.

10. A person shall not be in any building, swimming pool, tennis court, or other enclosure, structure, or facility in any Park except during the hours the said building, swimming pool, tennis court, or other enclosure, structure, or facility is authorized to be used or to be open by the Council.

11. A person shall not break, injure or damage the locks, gates, bolts, fences, seats, benches, buildings, structures, or other property placed in Public Spaces, on boulevards, or in Parks.

12. A person shall not wilfully destroy, mutilate, efface, deface, or remove any sign posted within a Park under this or any other bylaw.

13. A person shall not climb, debark, break, peel, cut, deface, remove, injure, root up, dig or otherwise destroy or damage any tree, box, stake, or guard placed around any tree for the protection of the same, shrubs, flowers, roots, sod or grass planted and/or growing on boulevards, or in Parks or Public Spaces.

14. A person shall not play or practice the game of golf or similar games played with golf clubs and balls in any park, except in areas of a Park that have been designated for the playing and practicing of golf or similar games by the Council.

15. A person shall not cause, allow, or permit pets or other animals to be At Large on any beach, Park, or Public Space within the Municipality.

    15.1 A person shall be permitted to allow a dog to be At Large in a Park or Public Space, or portion of a Park or Public Space, which has been designated as a Dog Off-Leash Park.

    15.2 An Owner must immediately remove and dispose of, in a sanitary manner, feces left by pets or animals in a Park or Public Space, or on a Trail.

16. A person shall not ride or drive any horse, in, upon, or through any Park.

    16.1 Horses shall be permitted on the Trans-Canada Trail within the corporate limits of the City, with the provision that the Owner of such animal shall comply with section 15.2.

17. A person shall not ride or drive any Vehicle or other mode of conveyance, except for conveyances for the handicapped, children's carriages and strollers, outside of designated access roads, lanes, parking lots, or within designated Parks or Trails.

    17.1 Self-propelled vehicles limited to bicycles, trailers pulled by bicycles, roller blades and skateboards shall be permitted provided they are used on designated pathways or roads, are operated in a safe manner, and within any posted speed limits.

18. A person shall not possess or consume alcohol in a Park or Public Space except for special events where Council has approved a liquor license permit.

Offences and Penalties

19. A person who contravenes any of the provisions of this Bylaw shall be subject to a fine as described in the current Municipal Ticket Information Bylaw. A copy of the current schedule pertaining to the Parks Access Bylaw No. 2057 is attached to this bylaw for convenience.

    19.1 Where a Bylaw Enforcement Officer or any other officer of the City has reasonable grounds to believe that a person, while in a Park or Public Space, is in contravention of any provision of this bylaw, the Bylaw Enforcement Officer may:

        19.1.1 Direct the person to comply with the bylaw; or

        19.1.2 Direct the person to leave the Park or Public Space.

    19.2 A person who is directed to leave the Park or Public Space shall immediately leave the Park or Public Space and refrain from re-entering for a period of 24 hours or until 7pm the following day whichever is longer."

Exceptions

20. This bylaw shall not apply to officers or employees of the City of Grand Forks or any Emergency Services while exercising their duties.

21. Community Associations/Groups or members of the public may approach the Council of the City of Grand Forks for relaxation of the rules and regulations as listed in this bylaw for a specific special event.

22. The Chief Administrative Officer or designate may at any time permit exceptions to any provision of this bylaw.

General

23. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

24. If any portion of this bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed without affecting the remainder of the bylaw.

Repeal

25. The "City of Grand Forks Parks Access Repeal Bylaw No. 1959-R" shall repeal:
    25.1 The "City of Grand Forks Parks Access Bylaw No. 1959"
    25.2 The "City of Grand Forks Parks Access Amendment Bylaw No. 1959-A1"

26. The "Off-Highways Vehicles Regulation Repeal Bylaw No. 1682-R" shall repeal:
    26.1 The "Off-Highways Vehicles Regulation Bylaw No. 1682"

Read a first, second, and third time by the Municipal Council this 25th day of March, 2019.

Finally adopted on this 8th day of April, 2019.

Mayor -Brian Taylor

Corporate Officer-Daniel Drexler

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2057, cited as the "City of Grand Forks Park Access Bylaw 2057", as passed by the Municipal Council on the 8th day of April, 2019.

Corporate Officer of the Municipal Council of the
City of Grand Forks

SCHEDULE “A”

Parks and Public Space where Temporary Shelters are Prohibited

1. City Park
2. Lois Hagen Park
3. Gyro Park
4. Barbara Ann Park
5. Sugimoto Park

SCHEDULE 5

COLUMN 1 Offence	COLUMN 2 Section	COLUMN 3 Fine
- In Park between 11:00 p.m. and 6:00 a.m.	3	$ 50.00
- Camping in Park or Public Area / Temporary shelters	4	$ 50.00
- Use of firearms/bow/cross-bow/sling-shot/boomerang/ weapon in park	5	$ 100.00
- Unauthorized removal of gravel/sand/soil	6	$ 100.00
- Littering	7	$ 50.00
- Unauthorized fire on beach or in Park or Public Space	8	$ 50.00
- Vandalism	11	$ 100.00
- Vandalism of sign	12	$ 100.00
- Vandalism of tree	13	$ 100.00
- Unauthorized playing golf in park	14	$ 100.00
- Animal At Large on beach, Park, or Public Space	15	$ 50.00
- Horse in Park green space	16	$ 50.00
- Vehicle in Park or Public Space	17	$100.00
- Possession or consumption of alcohol in a Park or Public Area	18	$ 50.00