



City of Port Moody

Bylaw No. 3321

A Bylaw to establish regulations governing the use of Parks and Community Facilities on property owned by the City of Port Moody for Recreation or Community uses.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Parks and Community Facilities Rules and Regulations Bylaw, 2021, No. 3321”.

2. Repeal

- 2.1 City of Port Moody Parks and Community Facilities Rules and Regulations Bylaw, 2011, No. 2894 and all amendments thereto are hereby repealed.

3. Definitions

- 3.1 In this Bylaw, unless the context otherwise requires:

“Assembly” means the action of gathering as a group for a common purpose.

“City” means the City of Port Moody and includes the Council of the City of Port Moody.

“Community Facility” means a building or recreation facility, including but not limited to, recreation centres, pools, swimming pools, wading pools, arenas, ice arenas, gymnasium, community centres, courtyards, or amphitheater and other recreation facilities located in a Park or on any other land or area which the City owns or controls by means of a lease, licence, or other legal instrument, that is intended for athletic, social, or recreational use by members of the community, and includes the Designated Anchorage Area.

“Demonstration” means a group of people gathering together in favour of a political or other cause, or people participating in a protest against a cause of concern, where it can be reasonably assumed that the gathering will attract or invite public participation, and which limits general public access to a portion of a public area, Park, or Community Facility.

“Facility Rental Contract” means a rental agreement between the City and a renter who desires to have temporary use of a Park or Community Facility for an organized activity, sport, or anchorage for a fee.

“Fire Department” means the Fire Department of the City of Port Moody and any Fire Department having authority in a Park in the City of Port Moody.

“Gathering” is the coming together as a group for a common purpose.

“General Manager of Community Services” means an employee of the City that has been assigned responsibility for the management and operation of City Facilities, or their designate.

“Major Demonstration” means an action by a mass group or collection of groups of people in favour of a political or other cause, or people participating in a protest against a cause of concern.

“Organized Activity” means any activity which can reasonably assumed to be pre-planned, involves a group larger than 30 people and which limits general public access to a portion of the Park or Community Facility or any activity that involves instruction or training.

“Organized Sport” means any game or sport which is played by three or more persons who play and/or practice together regularly as a team in a league or association.

“Organizer” is the person whose job it is to organize the details of an assembly, gathering, or demonstration to ensure all elements work together effectively.

“Park” means and includes every public park, open space, trail, playground, urban forest (including all driveways, roadways, paths, and lanes within a public park, playground or urban forest), beach, bathing beach, boulevard, picnic area, picnic shelter, water playground, marina, and all other community recreational land owned or controlled by the City that is intended for athletic, social, cultural, or recreational use by members of the public; and any real property acquired and held by the City and dedicated and reserved by it for the use, recreation or enjoyment of the public; and any land which the City owns or controls by means of a lease, licence, or other legal instrument, within the jurisdiction of the City.

“Parks and Recreation Commission” means the statutory commission established by the City for the consideration of Parks and recreation issues in the City.

“Person” means and includes persons of any gender, associations, corporations, or bodies politic, co-partnerships whether acting by themselves or by a servant, agent, or employee and the heirs, executors, administrators, successors, and assigns or other legal representatives of such person to whom the context can apply according to the law.

“Refuse” means all refuse, garbage, food remains, including food containers, glass, metal, garden clippings from grass, trees, or hedges, and household waste meaning general rubbish or accumulation of waste or discarded materials or things of any kind or nature whatsoever.

“Trail” means any footpath, pathway, trail, or pedestrian access route in a City Park.

“Vehicle” means and includes all forms of conveyance for the carriage or transport of persons, passengers, goods, or materials propelled by any mechanical device or other modes of power whatsoever and shall include bicycles, tricycles, motorcycles, and boats.

4. General Powers

4.1 It shall be lawful for the City and it is hereby empowered to:

- a) accept, purchase and hold real property for the purposes of Parks within or without the City limits and to make rules and regulations respecting the same and to levy rates for maintaining Parks or to join with other municipalities for such purposes;
- b) construct, maintain, and operate Parks either within or without the City limits, to hold land or real property for the construction, maintenance and operation of Parks and to collect fees and charges for the use of Parks;
- c) to enter into agreements with other municipalities for the joint regulation, management, maintenance, improvement and control of any Park and to grant or expend money for the upkeep, maintenance, improvement or management of any Park whether the Park is situate within or without the City limits;
- d) provide accommodation for any and all kinds of sports and games either indoor or outdoor and to set aside and reserve portions of any Parks for particular kinds of sports and games;
- e) lease or rent out the use of any Park or part of any Park and to fix and collect rents or fees from the person or persons leasing or using same;
- f) close to the free use of the public, the whole or any part of any Park for such times and for such periods as may be deemed advisable and to charge and collect a fee for admission to any Park during such periods as may be deemed advisable and to provide penalties for unauthorized entry during such periods; and
- g) make by resolution such regulations for the use, control, management, protection and government of Parks and other property connected therewith as may be deemed necessary or expedient from time to time in addition to the general regulations herein contained.

5. General Park Regulations

5.1 No person shall permit an Organized Activity, not including a demonstration or major demonstration, in any Park of more than thirty (30) people except when the public gathering is organized and controlled by the City and unless authorized by written consent of the General Manager of Community Services or their designate.

5.2 No person shall enter a Park which has been closed to public access by the General Manager of Community Services or their designate.

- 5.3 The following activities are permitted with prior written permission of the General Manager of Community Services or their designate:
- a) an Organized Activity of more than thirty (30) people;
 - b) a procession, march, drill, performance, ceremony, concert, gathering, or meeting for an activity of a recreational nature; and
 - c) the following is considered when assessing the activity for permission:
 - i) whether the activity encourages views and ideas that are likely to promote discrimination, contempt, or hatred for any person on the basis of race, national or ethnic origin, citizenship, religion, age, gender, marital status, family status, sexual orientation, disability, political affiliation, economic status, or level of literacy; and
 - ii) whether the activity will exclude persons from participation in or enjoyment of the event on the basis of race, national or ethnic origin, citizenship, religion, gender, marital status, family status, sexual orientation, or disability.

6. Preservation of Natural Features

- 6.1 No person, while in a Park, shall throw or leave any refuse or any matter of any kind likely to prove offensive, injurious, or unsightly. All such refuse shall be deposited in receptacles provided in the Park for that purpose or shall be removed by the person having such matter in his possession.
- 6.2 No person shall cut down or prune any vegetation in a Park without the express prior authorization of the General Manager of Community Services. No person shall injure, deface, damage, or destroy Park plants including trees, shrubs, flowers, and turf, or remove or transplant any other plants on Park property without the authorization of the General Manager of Community Services.
- 6.3 No person shall remove, destroy, damage, deface, break or tamper with a Park feature, or any building, structure, fence, float, wharf, buoy, lifesaving device, bench, sign, road, trail or any facility, equipment, material, or thing within a Park without the express prior authorization of the General Manager of Community Services and then only in strict accordance with such authorization.
- 6.4 No person shall foul or pollute or otherwise introduce any contaminant or invasive species of plant or animal origin on the land or into any natural stream, creek ditch, or pond, or any man-made water feature, fountain, or pond within a Park.
- 6.5 No person shall harass, harm, or collect wildlife within a Park.

7. Fireworks and Fires

- 7.1 No person shall discharge any fireworks in a Park without written authorization and in strict accordance with requirements established by the Fire Department.
- 7.2 No person shall light or keep lit any fire in a Park unless authorized in writing and within the requirements established by the Fire Department.
- 7.3 No person shall smoke or light a cigarette in a Park that has been deemed a high fire risk area by the Fire Department.
- 7.4 No person shall enter a trail or Park that has been deemed a high fire risk by the Fire Department.

8. Commercial Services and Activities

- 8.1 No person shall sell, exchange or barter, or expose or display for sale, any food, refreshments, goods, material, or services whatsoever, nor shall any person conduct any business or commercial activity in a Park unless that person has the prior written authorization of the General Manager of Community Services.
- 8.2 No person shall post, affix, deliver, paint, publish, or distribute any notice, advertisement, sign, placard, or handouts of any kind whatsoever in a Park except on information boards provided expressly for that purpose and unless that person has the prior written authorization of the General Manager of Community Services.

9. Motor Vehicles and Motorized Traffic

- 9.1 The General Manager of Community Services, a Bylaw Officer, or a Police Officer, may remove, or cause to be removed any unauthorized vehicle, devices, or machinery from any Park. The cost of the removal shall be charged to the owner of the vehicle, device, or machinery.
- 9.2 No person shall operate or station any vehicle displaying advertising or equipped with a public address system in a Park for the purpose of advertising, promoting, demonstrating, or attracting attention unless such activities are specifically authorized by a valid Business License or by prior written authorization from the General Manager of Community Services.

10. Pool, Spray Park, and Bathing Beach Regulations

- 10.1 No person, while within the confines of or adjoining any Park or recreation area shall:
- a) enter or bathe in any water, without being properly clothed in a bathing suit; or disobey any lawful command or order of any person having the superintendence, management, or control of any Park or the command of any lifeguard or other person in charge of any Park; or cause to swim or permit the swimming of any animal or the fouling of any waters;
 - b) enter or undress except in the places specifically provided for such purpose;
 - c) conduct themselves in such a manner as to be objectionable to other patrons or the public;
 - d) enter a change room which is not designated for their use;
 - e) use any boat, motorboat, and/or sea ski-doo that will endanger, disturb, or otherwise interfere with the free use of the water for bathing and swimming purposes;
 - f) fish from, or adjacent to, any Park or cast or haul in any net or other fishing equipment or device between June 1st and October 1st in each year; and/or
 - g) litter, deposit, or leave or cause to be littered, deposited, or left any matter or thing that would create any undue disturbance, congregation, or alarm that will cause or tend to cause panic, excitement, or any hazard, annoyance, or interference with swimmers and bathers.

11. Playgrounds and Courts

- 11.1 No person will maliciously or carelessly damage or destroy the utility of any court, green, or lawn or in any way interfere with or obstruct the free use thereof by those lawfully entitled to the use of same.
- 11.2 Dogs are prohibited from all sport field surfaces, running tracks, playgrounds, tennis courts, and water parks, unless prior authorization has been obtained by the General Manager of Community Services.
- 11.3 Off leash parks designated under Animal Control Bylaw No. 2677 are exempt from section 11.2.

12. Hours of Public Use of Parks

- 12.1 No person shall enter upon or remain within a Park for any purpose whatsoever during the hours when the Park is closed as indicated by posted notice, or where no hours are posted, between 10:00pm and 5:00am, except:
- a) a person who has a concession or lease granted by the City for a specified purpose, or their patron;
 - b) the private house guests of a resident-caretaker employed by the City;
 - c) a person who has a valid Facility Use Permit permitting him to be in the Park during those hours; and
 - d) authorized City personnel.

13. Facilities Rental Contracts

- 13.1 No person or group shall use a Park or Community Facility or any portion of a Park or Community Facility for other than general public use nor shall any person conduct or hold an Organized Sport, Organized Activity, or anchor a vessel within a Park or Community Facility unless that person has obtained a valid Facility Rental Contract authorizing them to do so.
- 13.2 The General Manager of Community Services, in issuing a Facility Rental Contract, may:
- a) place restrictions and limits on the Organized Sport or Organized Activity, authorized by a Facility Rental Contract as deemed necessary or desirable;
 - b) issue the Facility Rental Contract subject to such terms and conditions as deemed necessary or desirable;
 - c) require the person or group to whom the Facility Rental Contract is issued to pay the fee established by the City in its Fees Bylaw or, where the Organized Sport, Organized Activity, has not been itemized in the Fees Bylaw, to pay a fee as determined by General Manager of Community Services; and
 - d) require the person or group to whom the Facility Rental Contract is issued to acquire and maintain insurance in an amount and form satisfactory to the City.
- 13.3 The General Manager of Community Services shall not be obliged to issue any Facility Rental Contract and, without in any way limiting the generality of the foregoing, may amend, suspend, revoke, or refuse to issue a Facility Rental Contract to any person or group who has contravened the provisions of any previous Facility Rental Contract issued to that person or group or contravened the provisions of this Bylaw or any other enactment.

- 13.5 The City does not rent outdoor facilities to any group or organization that are engaging in or organizing a demonstration, major demonstration, or public assembly in favour of a political or other cause, or to people participating in a protest against a cause of concern. A rental agreement or event permit may become invalid if it is later found that the booking is for this purpose.

14. Behaviour and Conduct

- 14.1 The General Manager of Community Services may post rules of behaviour and conduct in a visible location in a Park or Community Facility.
- 14.2 Every person within a Park or Community Facility shall observe and obey all City bylaws, regulations, enactments, and policies including, without limitation, all signs and posted notices.
- 14.3 No person shall act in a disorderly, dangerous, or offensive manner in a Park or Community Facility.
- 14.4 No person shall possess or consume liquor or alcoholic beverages within a Park or Community Facility without a valid Liquor License and other legally required permits.
- 14.5 No person shall engage in activities involving high-speed projectiles, including golf, archery, war games, radio-controlled aircraft, or cars in a Park or Community Facility unless such activities are specifically authorized by the General Manager of Community Services.
- 14.6 No person shall camp or sleep overnight in a Park or Community Facility with or without a tent or other shelter of whatsoever kind, including a motor vehicle, or a boat unless such activities are specifically pre-authorized by the General Manager of Community Services.
- 14.7 No person shall build or cause to be built any structure of any kind in a Park or Community Facility unless such activities are specifically authorized by a resolution of Council and comply with all City bylaws, permits, requirements, and regulations.
- 14.8 No person shall interfere with or obstruct any employee of the City in the performance of their duty.
- 14.9 No person shall use or operate any device in such a manner as to disturb the enjoyment of the Park by other persons.

15. Loss of Access Rights

- 15.1 Where the General Manager of Community Services, a Bylaw Officer, or a Police Officer is of the opinion that a person or group within a Park or Community Facility is contravening any provision of this Bylaw, or any other enactment, that person or group:
 - a) must cease contravening the provisions of the Bylaw, or other enactment; and
 - b) may be required by the General Manager of Community Services, Bylaw Officer, or Police Officer to leave the Park or Community Facility.

- 15.2 The period of time a user would forfeit their rights to attend the Park or Community Facility may be set by the General Manager of Community Services, Bylaw Officer, or Police Officer, and may be for any period of time up to one (1) year, depending upon the nature of the contravention, including whether the conduct affects the safety of others at the Park or Community Facility. After the time period has elapsed, the person or group shall be required, prior to re-commencing any use of the Park or Community Facility, to meet with the appropriate General Manager of Community Services, Bylaw Officer, or Police Officer to discuss the impact that their behaviour had upon others and what conduct will be required in future. If any future misconduct occurs or if the initial misconduct causes significant risk of injury or harm to any City employee or other users, the person or group may be permanently banned from the Park or Community Facility. In the case of any ban in excess of one (1) month, the person or group may submit an appeal in writing to City Council seeking a reconsideration of the ban.

16. Offence and Penalty

- 16.1 Every person, firm, or corporation who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes, or permits to be carried out any work in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with the order, direction, or notice given under this Bylaw shall be deemed to be guilty of an offence against this Bylaw.

- 16.2 Every person, firm, or corporation violating any provisions of this Bylaw shall be liable on summary conviction to a fine of not more than ten thousand (\$10,000.00) dollars and imprisonment for not more than six (6) months.

- 16.3 A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

17. Severability

17.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

Read a first time this 5th day of October, 2021.

Read a second time this 5th day of October, 2021.

Read a third time this 5th day of October, 2021.

Third Reading rescinded this 9th day of November, 2021.

Read a third time as amended this 9th day of November, 2021.

Adopted this ___ day of _____, 2021.

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3321 of the City of Port Moody.

D. Shermer
Corporate Officer