

*DISTRICT OF SECHELT*

*PARKS BYLAW*

*No. 116, 1990*



**Consolidated for convenience only December 2000**

This Consolidation includes the following Bylaw Amendments:

116-1, 1997

116-2, 1999

116-3, 2000

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

# DISTRICT OF SEHEL T

## BYLAW NO. 116

### A bylaw to regulate, govern and manage the parks and recreation facilities of the District of Sechelt

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**WHEREAS** Section 610 of the Municipal Act R.S.B.C. 1996, C. 323 allows Council by bylaw to:

- a) acquire, accept and hold any property in the Municipality for pleasure, recreation or community uses of the public including public library, art gallery, museum, arena and exhibition buildings;
- b) make rules and regulations governing the management, maintenance, improvement, operation, control and use of property mentioned in paragraph (a);
- c) close to free use by the public all or any part of any real property mentioned in paragraph (a) at the times and for the periods deemed advisable and fix and charge fees for admission to or for the use of any of the facilities so closed;

**NOW THEREFORE** the Council of the District of Sechelt, duly assembled, enacts as follows:

#### **1. DEFINITIONS**

In this Bylaw,

- a) **"Council"** means the Council of the District of Sechelt;
- b) **"Park"** means any real or personal property owned by the Municipality used for park and recreation purposes and includes all buildings and structures situated thereon;
- c) **"Vehicle"** means any conveyance propelled by mechanical or muscular power, and without restricting the generality of the foregoing includes skateboards, bicycles, roller skates and motorcycles, and excludes invalid chairs and children's carriages;
- d) **"Litter"** includes paper, bottles, glass, cardboard, food refuse, or any matter of any kind likely to prove offensive, injurious or unsightly;
- e) **"Garbage"** includes litter.

## 2. GENERAL RULES

No person while within the confines of a park shall:

- a) throw or otherwise dispose of any litter or garbage unless within a receptacle provided for the purpose of collecting such litter or garbage;
- b) carry or discharge any firearm, fireworks, air gun, sling shot, catapult, bow and arrow, or other weapon;
- c) throw or cast any stone or other missile;
- d) cut, break, bend or in any way deface any turf, tree, shrub, hedge, plant, flower or park ornament;
- e) climb any tree;
- f) climb upon, deface, or in any way damage any building, wall, fence, gate, sign, seat, bench or ornament;
- g) plug, tamper with or in any way damage any plumbing, lighting, heating, or other fixtures;
- h) start any fire or permit any person under his control to start any fire except in fireplaces provided therein for that purpose;
- i) walk upon any lawn or garden where signs are posted prohibiting persons from so doing nor disobey any sign or signal erected for the control of pedestrians or vehicle traffic;
- j) permit any livestock or any domestic animal to run at large;
- k) distribute any handbills or circulars nor post, place or display any placard, notice, paper, advertising device, or publicity matter of any kind without the written consent of Council except such notices as are erected by Civic Departments dealing with recreation, traffic control, public health or park safety;
- l) use or permit the use of any advertising vehicle without the written consent of Council;
- m) tease, molest, or injure any mammal, bird or fish, nor throw any substance at or near such creatures in such a way to cause them alarm or possible injury.

- n) no person shall play at any game on any tennis court unless the person is wearing rubber soled shoes with low heels and is otherwise suitable equipped with the normal appliances for such games and may only play thereon at such times and during such seasons as the rules and regulations of the Municipality permit.
- o) no person or persons shall picnic except in those parts of the park designated for that purpose.
- p) that water and bathroom facilities will be shut down when temperature drops low enough to freeze water in the pipes or by November 1.
- q) the organizer of any events that require bathroom facilities during the freezing period will be required to bring in portable toilets at their own expense.

### **3. ORGANIZED EVENTS**

- a) No person shall offer for sale within any park any article of food, drink, or merchandise or carry on any business unless such person has been licenced to do so under the Parks, Lands and Roads Temporary Rental Amendment Bylaw No. 265-1, 1997 or the Mobile Vendor Bylaw No. 265, 1996.
- b) No person shall play at any game or engage in any recreation within a park except upon such portion thereof as may be specifically allotted or designated for that purpose.
- c) No organized event shall engage in any contest, game or match in any park without first filling in an application and obtaining a permit.
- d) Applications for District of Sechelt events shall have priority use over any other requests for use of any park.
- e) The District may cancel any pre-booked use of the fields within ten days, provided that the applicant is notified in writing. For the purposes of this Bylaw ten days notice shall be determined from the date of the letter to the applicant.
- f) When two or more applications are received for the same period and the same location, preference will be given as follows:
  - (i) District of Sechelt resident or organization
  - (ii) Youth events
  - (iii) Applicant who first submits a completed application

- g) No person or group may pre-book the Tennis courts. Tennis courts will remain on a first-come first-served basis with players limited to 30 minutes play time during peak use.

#### **4. PARK FACILITY CLOSURES**

- a) Council may, at any time, close any park or any portion thereof to the free use by the public and fix and charge fees for admission to any facility so closed.
- b) Except as provided for in subsection (c) no person shall resort to nor remain on or in any park between the hours posted, except with the written permission of Council.
- c) The preceding subsection does not apply to the Sunshine Coast Arena.
- d) Any municipal employee, or peace officer, may require any person who is in violation of any section of this Bylaw, or who is present in any park during such time as the public is excluded, or during such time as the park is closed, to leave the park forthwith.
- e) Any person who refuses to leave a park on the demand of any municipal employee or any peace officer, is guilty of a breach of this Bylaw and is liable, on summary conviction to a fine of One Thousand (\$1,000) Dollars and costs.

#### **5. VEHICULAR PROHIBITIONS**

- a) No person shall ride or drive a horse or other animal or drive or propel or permit to be driven or propelled any vehicle in any park except on the driveway provided for such purpose.
- b) No person shall ride any horse or other animal or drive any vehicle in, upon or along any driveway in any park at a rate of speed not consistent with safety having due regard for all other traffic; or in excess of any speed limit that may be posted.
- c) No person shall park any vehicle in a park except in those areas designated or regularly used for that purpose.

## 6. INSURANCE REQUIREMENTS

- a) The applicant for a Permit under this Bylaw must obtain insurance and show proof of general liability insurance coverage, including without limitation, coverage for the indemnity and release provisions herein, which meet the following minimum requirements:
- (i) District of Sechelt, including its officers, officials, employees and volunteers, are to be named as additional insureds with a cross liability clause.
  - (ii) Comprehensive general liability coverage insuring against liability arising from the insured's activities on municipal property.
  - (iii) Coverage effective for at least the duration of the activity.
  - (iv) Minimum Liability Coverage of not less than \$5,000,000 third party liability insurance, including coverage of at least \$5,000,000 per occurrence and \$5,000,000 for participant liability coverage, to cover bodily injury and/or death to any one or more persons including voluntary medical payments and property damage for those High Risk activities shown on Schedule "A" attached to and forming part of this bylaw.
  - (v) Minimum Liability Coverage of not less than \$2,000,000 third party liability insurance, including coverage of at least \$2,000,000 per occurrence and \$2,000,000 for participant liability coverage, to cover bodily injury and/or death to any one or more persons including voluntary medical payments and property damage for those Medium Risk activities shown on Schedule "A" attached to and forming part of this bylaw.
  - (vi) No insurance coverage is required for those Low Risk activities shown on Schedule "A" attached to and forming part of this bylaw, provided that the applicant for a Permit under this bylaw agrees to indemnify and save harmless the District of Sechelt and its officers, employees, servants, agents, successors, and assigns (hereinafter collectively referred to as "the District") from and against all claims whatsoever including legal or other fees incurred in respect of any such claim, or any cause or proceeding brought thereon arising directly or indirectly from or in connection with the granting of a licence and the use and occupation of the said property, save that the licensee will be under no obligation to indemnify and save harmless the District against or in respect of any damages or judgement rendered against the District resulting from or arising out of any

negligence or fault on the part of the Municipality in connection with any loss or injury caused or occasioned by the negligence of the District.

- (vii) District of Sechelt to receive 60 days prior written notice of cancellation of insurance coverage.
- (viii) The Applicant shall provide the Municipality with evidence of such insurance coverage in the form of an executed copy of a Certificate of Insurance in a form satisfactory to the Municipality, prior to granting a Permit.
- (ix) The insurance coverage shall be primary insurance as respects the District of Sechelt, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the District of Sechelt, its officers, officials, employees or volunteers shall be in excess of this insurance and shall not contribute to it.
- (x) It shall be the sole responsibility of the Applicant to determine what additional insurance coverage, if any, including but not limited to Worker's Compensation and Participants Insurance, are necessary and advisable for its own protection and/or to fulfil its obligations under this permit. Any such insurance shall be maintained and provided at the sole expense of the Applicant.

## **7. PERMIT FEES**

- (a) The deposit for damage, clean up and waste control will be \$250.00 per booking, unless a previous history of damage has been determined and then the damage deposit will be determined by the Superintendent of Public Works but will not exceed \$500.00 per booking.
- (b) The deposit for keys is \$20.00 per key.
- (c) The fee for concession stand use and/or electricity use is \$20.00 per day.

## **8. ADMINISTRATION**

This Bylaw shall be administered by the Director of Engineering and Public Works.

## **9. ENFORCEMENT AND PROHIBITION**

Except as provided for in Section 4, every person who violates any provision of this bylaw or who permits any act or thing to be done in contravention of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding Five Hundred (\$500.00) Dollars.

8. This Bylaw may be cited for all purposes as “Parks Bylaw No. 116, 1990”.

READ A FIRST TIME this 20th day of June, 1990.

READ A SECOND TIME this 20th day of June, 1990.

READ A THIRD TIME this 20th day of June, 1990.

RECONSIDERED AND FINALLY ADOPTED this 18th day of July, 1990.

*“Tom Meredith”*

*“J.M.A. Shanks”*

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Mayor

Municipal Clerk

## PARK USE BOOKINGS - RISK ASSESSMENT TABLE

	ACTIVITY	# OF PARTICIPANTS	DURATION	DAMAGE DEPOSIT	INSURANCE
<b>LOW RISK</b>	Photo's	1 to 25	15 minutes - 1 hour	N/A	WAIVER
	Wedding Service only	1 to 25	15 minutes - 1 hour	N/A	WAIVER
	Church Service	1 to 25	15 minutes - 1 hour	N/A	WAIVER
	Badminton	1 to 25	15 minutes - 1 hour	100.00	WAIVER
	Lawn Bowling	1 to 25	15 minutes - 1 hour	100.00	WAIVER
	Horseshoe	1 to 25	15 minutes - 1 hour	100.00	WAIVER
	Picnic	1 to 25	15 minutes - 1 hour	100.00	WAIVER
	Croquet	1 to 25	15 minutes - 1 hour	100.00	WAIVER
	Bocci Ball	1 to 25	15 minutes - 1 hour	100.00	WAIVER
	Exercise Class	N/A	N/A	100.00	WAIVER
	Picnic	Over 25	N/A	100.00	WAIVER
<b>Common activities that occur but have a low risk, therefore, requirements should be lower</b>					
<b>MEDIUM RISK</b>	ACTIVITY	# OF PARTICIPANTS	DURATION	DAMAGE DEPOSIT	INSURANCE
	Baseball	N/A	N/A	250.00	2 Million
	Softball	N/A	N/A	250.00	2 Million
	Basketball	N/A	N/A	250.00	2 Million
	Volleyball	N/A	N/A	250.00	2 Million
	Soccer	N/A	N/A	250.00	2 Million
	Football - Flag (no contact)	N/A	N/A	250.00	2 Million
	Track & Field	N/A	N/A	250.00	2 Million
	Sports Day	N/A	N/A	250.00	2 Million
	Tennis	N/A	N/A	250.00	2 Million
	Cricket	N/A	N/A	250.00	2 Million
<b>Common activities that occur in the Parks and this is the standard requirements</b>					
<b>HIGH RISK</b>	ACTIVITY	# OF PARTICIPANTS	DURATION	DAMAGE DEPOSIT	INSURANCE
	Boxing	N/A	N/A	250.00	5 Million
	Roller Hockey	N/A	N/A	250.00	5 Million
	Lacrosse	N/A	N/A	250.00	5 Million
	Rugby	N/A	N/A	250.00	5 Million
	Wrestling	N/A	N/A	250.00	5 Million
	Martial Arts	N/A	N/A	250.00	5 Million
	Grass Hockey	N/A	N/A	250.00	5 Million
	Football - Contact	N/A	N/A	250.00	5 Million

Very uncommon activities that have a high risk, these requests may be denied if proper facilities are not in place or if they are deemed to be hazardous. This category is in anticipation of future requests.

\*\* Any activities not listed, risk will be determined by the Superintendent of Public Works

SCHEDULE "A" - BYLAW NO. 116-2, 1999