

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1526, 2002

A BYLAW TO REGULATE AND GOVERN THE USE OF PARKS

The Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. Pursuant to provisions of Section 517 of the *Local Government Act* that authorizes a municipality to operate any service that the council considers necessary or desirable for all or part of the municipality;
2. AND WHEREAS Council of the Resort Municipality of Whistler has established parks and recreation as a municipal service;
3. Pursuant to provisions of Section 305.1 of the *Local Government Act* that gives the Resort Municipality of Whistler possession and control of dedicated parks and public squares;
4. Pursuant to provisions of Section 518.1 of the *Local Government Act* that authorizes Council, by bylaw, to regulate in relation to a municipal service;
5. Pursuant to provisions of Section 532 of the *Local Government Act* that authorizes Council, by bylaw, to regulate all uses of or involving a public place;
6. This Bylaw may be cited for all purposes as "Park Use Bylaw No. 1526, 2002".

Establishment of Service

7. To the extent that the municipal service of parks and recreation has not already been established, Council hereby establishes this service.

Definitions

8. In this Bylaw, the following terms have the following meanings:

"beach" means an area adjacent to the shore of a lake, pond, stream or river normally used for swimming and similar aquatic exercises or for sunbathing;

"cycle" means a device having any number of wheels, which is solely propelled by human power and upon or in which a person may ride;

"General Manager" means the General Manager of Community Services and his delegate;

"Municipality" means the Resort Municipality of Whistler;

"park" means all parts of the Municipality which are used for pleasure, recreation and community uses of the public, including land held under foreshore lease and the public malls and squares in Whistler Village but not including the Meadow Park Sports Centre, the Whistler Secondary School community space or the Myrtle Phillips Community School community space.

Application of Bylaw

9. The provisions of this Bylaw apply to every park in the Municipality.

Protection of Plants

10. No person shall cut, break, remove or in any way destroy or damage any tree, shrub, plant, turf or flower.

Damage to Buildings

11. No person shall damage or deface any building, structure, fence, sign, seat, bench or ornament of any kind and, without limiting the foregoing, no person shall place graffiti on walls, fences or elsewhere on or adjacent to a park.

Walls and Fences

12. No person shall climb, walk, sit, cycle or skate upon any wall, fence or other structure not intended for that use.

Pollution of Streams

13. No person shall foul or pollute any area of water or land, including a ditch, stream, storm drain, lake or pond, and no person shall access or trample the riparian edge of any stream, pond or lake unless that area is designated as an access point.

Protection of Grass

14. No person shall cross, travel on, use or walk upon any grassed plot or land where signs have been posted forbidding such use.

Protection of Animals

15. No person shall tease, molest, or injure any animal, bird or fish, or throw any substance at or near such creatures in such way as to cause them alarm or possible injury, unless permitted under provincial or federal fishing or wildlife regulations.

Obstruction of Others

16. No person shall obstruct the free use and enjoyment of a park by any other person.
17. 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.
18. No person shall hinder, deter or interrupt any person in the exercise of any of his or her duties in charge of any organized recreation.

Livestock

19. No person shall bring in or ride any horses or livestock, except where horseback riding is permitted in areas specifically designated for that purpose.

Fires

20. No person shall throw any lighted match, cigar, cigarette or similar thing or any burning substance or dispose of it without first extinguishing it.
21. No person shall make a fire except in barbecue pits or fireplaces provided for such purposes.
22. No person shall leave a fire unattended.

Fireworks

23. No person shall discharge firecrackers or other fireworks within a park unless that person has been issued a park use permit that includes that permission.

Activities

24. No person shall undertake any of the following activities except in such areas and at such times specifically allotted or designated for that purpose:
 - (a) Playing golf or striking a golf ball;
 - (b) Shooting an arrow or practicing archery;
 - (c) Flying any glider or motor driven model aircraft;
 - (d) Launching any power rocket;
 - (e) Landing any hang glider, parachute, paraglider, or human carrying kite.

Posters

25. No person shall post, paint or affix any advertisement, bill, poster, picture, matter or thing on any tree, post, pole, building, structure or thing EXCEPT on kiosks or notice boards specifically designated for that purpose. This section shall not apply to material erected or placed by the General Manager

for the purpose of conveying information on park or recreation matters or controlling activities within parks.

26. No person shall engage in the distribution or delivery of commercial advertising material.

Tennis

27. No person shall play tennis on any tennis court unless wearing rubber soled shoes that will not damage the tennis court.

Possession of Open Liquor

28. No person may be in possession of open liquor in a park except for liquor possessed and consumed in accordance with a license under the Liquor Control and Licensing Act that permits that consumption in the park.

Vehicles

29. No person shall ride, drive or lead any animal or drive or propel any cycle or motor vehicle in such a manner as to disturb the enjoyment of any person, or to cause injury or damage to any person, animal or property.
30. No person shall operate a motor vehicle except on a roadway.
31. No person shall park or stop a motor vehicle except in an area designated for vehicle parking.

Animal Owner Bylaw

32. The provisions of the "Animal Control Bylaw" apply at all times in parks, except to the extent of an inconsistency between this Bylaw and the "Animal Control Bylaw", in which case this Bylaw applies to parks.

Dog Restricted Areas

33. Persons having the custody, care or control of any dog shall be permitted to bring or have the dog in any park except the following areas:
 - (a) sand beaches between the 1st of May and the 30th day of September in each year;
 - (b) Lost Lake Park from the 1st day of cross-country ski operation until the last day of operation;
 - (c) waterfowl nesting sites and streams; and
 - (d) inside any building, washroom or concession.

Off-leash Areas

34. Notwithstanding the preceding section of this Bylaw, a person may have a dog off leash in those parks, which have area set-aside for this purpose, as indicated by signs.
35. Persons having custody of a dog off leash must exercise direct control and prevent the dog from running up to and jumping on other people and their dogs.
36. No person may bring a dog into an off leash area of a park unless the dog is properly licensed and vaccinated for rabies.
37. No person may bring a female dog in heat into an off leash area of a park.
38. Every person with custody of a dog must have a visible leash in his/her possession in an off leash area of a park.

Competitions and Instructions

39. No person shall conduct private instruction or hold a tournament, competition, competition of speed, exhibition, demonstration or series of games in any part of a park unless the person has been issued a park use permit that includes those permissions.

Tents

40. No person shall erect any tent, building, shelter or other structure or works or take up any temporary abode, unless the person has been issued a park use permit that includes those permissions.

Loudspeakers

41. No person shall operate or use any amplifying system or loudspeaker unless the person has been issued a park use permit that includes that permission.

Commercial Operations

42. No person shall operate a commercial business or utilize any park for a portion of business without authorization from the Municipality. This includes but is not limited to in-line skate, walking, running, cycling, watercraft instruction or tours.

Payment of Fees

43. No person shall use any court, green, ground, lawn or facility unless and until such person has first paid to the Municipality all fees and charges imposed by the Municipality for such use.

Powers of General Manager

44. The General Manager may from time to time do the following in relation to parks:
- (a) authorize a park or any part of it to be closed to free public use and may grant a park use permit to any person, club or organization upon payment of the applicable fee;
 - (b) temporarily close any park or part of it to the use of the public if, in his opinion, such closure is necessary to prevent or assist in the prevention of a breach of the peace or threat of it, or other violation of the criminal law;
 - (c) temporarily close any portion of a park to public use for the purposes of construction, maintenance, repairs, removal of hazards or other reasonable cause;
 - (d) temporarily close any portion of a park to public use in the case of an emergency or apprehended emergency including fire hazard;
 - (e) designate areas for climbing, walking, cycling, skating, games, swimming, boating, landing non motorized soft winged aircraft and other activities of the public;
 - (f) designate areas for motorized vehicle travel and vehicle parking and stopping;
 - (g) designate areas at which persons may access streams, ponds and lakes;
 - (h) designate areas for the protection of grass and grounds;
 - (i) designate areas for horseback riding;
 - (j) designate areas for overnight camping;
 - (k) designate areas for fire pits and barbecue fireplaces;
 - (l) establish kiosks and notice boards for the posting of notices;
 - (m) establish a park or part of a park as an off leash area for dogs;
 - (n) establish parks or parts of parks and hours where dogs are restricted;
 - (o) establish hours for the daily opening and closing of parks;
 - (p) issue park use permits;
 - (q) issue permits for the sale of goods;
 - (r) make incidental rules and regulations not inconsistent with this Bylaw; and
 - (s) waive park use fees.

Rules and Regulations

45. No person shall violate any provision of this Bylaw or any parks rule, regulation, or notice of the Municipality or the General Manager.

Parks Officials

46. No person shall obstruct or cause to be obstructed, any official employee, agent or contractor of the Municipality in the exercise of any of his lawful duties.

Inspection

47. Council hereby authorizes its officers, employees and agents to enter at all reasonable times on any park property to ascertain whether the requirements of this Bylaw are being met and regulations observed.

Offence

48. Every person who offends against any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw, or who does any act or thing which violates this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and shall be liable for any reasonable costs for reparation and to the penalties imposed under the Ticket Information Utilization Bylaw.
49. Every day that the offence continues is deemed to be a separate offence.

Penalty

50. Every person who commits an offence against this Bylaw is liable to a fine and penalty not exceeding ten thousand dollars (\$10,000.00) for each offence.

Captions

51. The captions in this Bylaw are inserted for convenience of reference only and they are not intended to limit this Bylaw or assist in its interpretation.

Interpretation

52. References in this Bylaw to the singular include the plural and references to the masculine include the feminine or body corporate, where the context so allows.

Severance

53. In the event that any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw with the intent that the remainder of this Bylaw shall continue in full force and effect.

Repeal

- (a) "Parks Bylaw 280, 1982" is hereby repealed.
- (b) "Parks Bylaw 687, 1988" is hereby repealed.
- (c) "Parks Amendment Bylaw 932, 1992" is hereby repealed.
- (d) "Parks Amendment Bylaw 992, 1993" is hereby repealed.
- (e) "Parks Amendment Bylaw 1268, 1997" is hereby repealed.
- (f) "Parks Amendment Bylaw 1318, 1998" is hereby repealed.
- (g) "Parks Amendment Bylaw 1353, 1998" is hereby repealed.

GIVEN FIRST, SECOND and THIRD READINGS this 2ND day of April, 2002.

ADOPTED by the Council this 15th day of April, 2002.



Hugh O'Reilly,
Mayor



Brenda Sims,
Municipal Clerk

I HEREBY CERTIFY that this is
a true copy of "Park Use Bylaw No. 1526, 2002."



Brenda Sims, Municipal Clerk