



CITY OF PRINCE GEORGE

City of Prince George Parks and Open Space
Bylaw

Bylaw No. 7370, 2002

CONSOLIDATED VERSION

CONSOLIDATED FOR CONVENIENCE

Revised: May 8, 2023

CONSOLIDATED VERSION**“CITY OF PRINCE GEORGE PARKS AND OPEN SPACE****BYLAW NO. 7370, 2002”**

This is a consolidation of the bylaws listed below and includes amendments up to the date noted on the cover page. This document is for convenience only and is not the legal or official version. Certified copies of the original bylaws should be consulted for all interpretations and applications of the subject Bylaw. Copies can be obtained through the Legislative Services Division at City Hall by contacting (250) 561-7792 or cityclerk@princegeorge.ca.

<u>AMENDING BYLAW</u>	<u>EFFECTIVE DATE</u>	<u>AMENDMENT(S)</u>
9389, 2023	May 8, 2023	Section 1.1; Section 2; Section 9.0; Section 20.0; Schedule “A”
8817, 2017	February 6, 2017	Section 19

CITY OF PRINCE GEORGE
BYLAW NO. 7370, 2002

**Amending
Bylaws**

A Bylaw of the City of Prince George to Regulate the Use of Parks and Open Spaces in the City.

The Council of the City of Prince George, in open meeting assembled, enacts as follows:

1.0 DEFINITIONS

1.1 In this bylaw:

- (a) “Boulevard” means the portion of a highway between the curb line or the edge of the travelled roadway and the parcels adjoining the highway.
- (b) “Boulevard Trail” means a trail located within a boulevard but excludes sidewalks surfaced with concrete, asphalt, brick or another impervious surface.
- 9389, 2023 (c) “Bylaw Officer” means a bylaw enforcement officer of the City of Prince George.
- (d) “Campground” means an Open Space Area which has been designated as a site on which daytime or overnight camping is permitted.
- 9389, 2023 (e) “Chattel” means any item of moveable personal property but does not include an automobile.
- (f) “Cycle” includes a bicycle and any other conveyance that is moved by human power through pedals.
- (g) “Development” means any building, structure or other improvement constructed or placed on, in, over or under land in an Open Space Area.
- 9389, 2023 (h) “Director” means the Director of Civic Operations of the City of Prince George and includes any person duly authorized to act on the Director’s behalf.
- 9389, 2023 (i) “Environmentally Sensitive Area” means any part of an Open Space Area that contains areas, or landscape or natural features, that are identified in an official plan, map, or bylaw of the City of Prince George as being:
 - (i) environmentally significant;
 - (ii) an environmental protection area;

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- (iii) a development permit area for protection of the natural environment”.
- (j) “Highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property.
- (k) “Homeless Person” means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.
- (l) “Open Space Area” means all land:
 - (i) dedicated, owned or controlled (including jointly controlled) or used by the City as a public park, sports field, playground or recreational area;
 - (ii) within a Boulevard Trail;
 - (iii) within a Trail; or
 - (iv) held by the City as public open space.
- (m) “Parking Lot” means any part of an Open Space Area that has been improved for vehicle parking.
- (n) “Pet” means any animal that is ordinarily kept within or at its owner’s residence.
- (o) “Skating” includes skateboarding, in-line skating, roller-skating, roller-skiing and scooter riding.
- (p) “Temporary Overnight 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 rigid or non-rigid material.
- (q) “Trail” includes any public path which is owned or controlled by the City, not located within a highway, which has been improved or designated for pedestrian, equestrian, skating, skiing or cycling use.
- (r) “Trail User” means any person travelling on a Trail or Boulevard Trail, including persons on foot and persons using cycles, roller skates, in-line skates, skateboards, scooters, skis, snowboards, snowshoes and wheelchairs, and persons on horseback.
- (s) “Vegetation” includes all trees, shrubs, plants, flowers and natural grass, and all ground cover, whether it is in a wild or cultivated state.
- (t) “Vehicle” means a vehicle as defined in the *Motor Vehicle Act*.

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- (u) “Weapon” includes any firearm (including a rifle, shotgun, handgun and air gun), sling shot, bow, crossbow, catapult and any other weapon which releases a projectile.

2.0 CONDUCT IN OPEN SPACE AREAS

- 2.1 No person shall obstruct the free use or enjoyment of an Open Space Area by any other person.
- 2.2 No person shall use any indecent, obscene, blasphemous or grossly insulting language while in any Open Space Area.
- 2.3 No person shall engage in any activity which causes a nuisance in an Open Space Area
- 2.4 No person shall consume alcoholic beverages in an Open Space Area unless they have obtained authorization under Section 16.0 and then only in accordance with the authorization and the conditions set out in the City of Prince George Alcohol Policy from time to time.
- 9389, 2023 2.5 Without limiting the provisions of section 2.1, no person shall abandon, deposit, dispose of, store, or leave unattended any Chattel in or on any Open Space Area.

3.0 DUMPING AND LITTERING

- 3.1 No person shall deposit, dump or leave any soil, refuse or debris in any Open Space Area.
- 3.2 No person shall place or deposit any paper, cardboard, glass, or any other litter of any kind in any Open Space Area, except in a waste container provided for such purpose by the City.
- 3.3 No person shall place any domestic garbage, commercial waste, or other waste produced outside an Open Space Area, in any waste container within an Open Space Area.

4.0 BUSINESS ACTIVITIES

- 4.1 No person shall:
- (a) distribute, place or erect any signs or other materials for the purpose of advertising any commercial activity;
 - (b) use any public address system for advertising any commercial activity; or
 - (c) sell or offer for sale any goods or services;
- in an Open Space Area, without authorization under Section 16.0.

5.0 PUBLIC GATHERINGS

- 5.1 No person shall:
- (a) take part in any procession, demonstration or public gathering;
 - (b) make a public address; or
 - (c) operate any amplifying system or loudspeaker;
- in an Open Space Area, without authorization under Section 16.0.

5.2 Approval for proposed activities under Section 5.0 shall not be denied without reason. Approval may be withheld for the protection of the facilities, amenities or vegetation in an Open Space Area, to prevent unreasonable interference with public use and enjoyment of Open Space Areas, or to avoid conflicting activities in an Open Space Area.

6.0 WEAPONS

6.1 No person shall carry or discharge any Weapon in an Open Space Area, except in an area designated for the holding of supervised archery or shooting events.

7.0 DANGEROUS OBJECTS

7.1 No person shall:

- (a) carry or discharge any fireworks or explosives of any description;
- (b) throw any stones or other dangerous objects; or
- (c) propel a golf ball in any manner

in or across an Open Space Area, except in an area designated for that purpose, or unless authorization has been obtained under Section 16.0.

8.0 DAMAGE TO PROPERTY

8.1 No person shall:

- (a) destroy, damage, deface or remove any vegetation or Development;
- (b) walk, stand, sit or lay upon any flower or shrub bed;
- (c) walk across or use any grassed area or other land where signs have been posted prohibiting such use; or
- (d) begin or continue the construction of any Development without prior written authorization under Section 16.0;

in any Open Space Area.

9.0 CAMPING

9.1 No person shall set up a tent or other temporary abode in an Open Space Area, except in accordance with rules established under Section 16.0.

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9.2 Despite section 9.1 of this Bylaw, where there is no accessible overnight shelter accommodation available within the City of Prince George, a homeless person may erect and occupy a temporary overnight shelter in an Open Space Area identified in section 1 of “Schedule “A”, as attached and forming part of this Bylaw, but subject always to:

- (a) the restrictions and regulations set out in sections 2 and 3 of Schedule “A” as attached to and forming part of the Bylaw; and

- (b) the regulations set out in section 9.3 of this Bylaw; and

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- 9.3 A temporary overnight shelter permitted under section 9.2 must not be erected or occupied before 7:00 p.m. on any one day, and must be taken down and removed from the Open Space Area before 9:00 a.m. on the next day following.

10.0 FIRES

- 10.1 No person shall:

- (a) start or maintain any fire in an Open Space Area except a wood fire in a permanent outdoor barbecue, fireplace or fire pit provided by the City;
- (b) leave any fire unattended;
- (c) throw or place any burning material or substance in a waste container or on the ground within any Open Space Area, without taking precautions to extinguish such material or substance; or
- (d) remove any firewood from any Open Space Area.

- 10.2 No wood fire shall be ignited or maintained in any Open Space Area during a period when fires have been prohibited under Section 16.0, or in a manner that contravenes any other bylaw or regulation.

11.0 VEHICLES

- 11.1 No person shall operate a vehicle in an Open Space Area except on a highway designated for vehicle use or within a Parking Lot.
- 11.2 No person shall park or stand a vehicle in an Open Space Area except in a Parking Lot.

12.0 PARKING LOTS

- 12.1 Parking Lots shall be used only for vehicle parking, except as authorized under Section 16.0.
- 12.2 Without limiting Section 12.1, except as authorized under Section 16.0, no person shall:
- (a) leave a vehicle in a Parking Lot overnight; or
 - (b) act contrary to any traffic control device in a Parking Lot.

13.0 TRAILS

- 13.1 All Trail Users shall:
- (a) share the Trail with all other users;
 - (b) keep to the right of the center of the Trail except:

- (i) when passing other users travelling in the same direction; or
 - (ii) when turning left off the pathway onto an intersecting road or path;
 - (c) control their speed and exercise due care and attention, having due regard for safety of others on the Trail;
 - (d) warn others when passing, by bell, horn or other warning device; and
 - (e) yield the right-of-way to slower moving users.
- 13.2 Equestrians shall ride or lead horses only on Trails and Boulevard Trails designated for equestrian use and shall conform with the regulations in Section 13.0 and Section 15.2.

14.0 BICYCLES AND SKATING

- 14.1 No person shall cycle or skate within any portion of an Open Space Area where bicycling or skating is prohibited.
- 14.2 No person shall operate a cycle in an Open Space Area unless the cycle is equipped with a bell, horn or other warning device suitable for warning Trail Users of the presence of the cycle on a Trail or Boulevard Trail.

15.0 PETS

- 15.1 Pets other than snakes, lizards, scorpions and other venomous or poisonous animals are allowed in Open Space Areas under the following designations and conditions:
- (a) Leash Areas – Areas where pets are allowed but the pet must be on a leash of no more than 2m in length.
 - (b) Off Leash/Under Control Areas – Areas where pets may be off a leash but must remain under the control of the owner.
 - (c) No Pets Areas – Areas where pets are prohibited, including playgrounds and sports fields, beaches and water park areas.
- 15.2 All persons bringing pets into Open Space Areas are required to clean up any defecation from their animal and dispose of it in appropriate waste receptacles.
- 15.3 Despite Section 15.0, horses may be brought into Open Space Areas, but only within designated equestrian trails.

16.0 PARK ADMINISTRATION

- 16.1 The administration of Open Space Areas and the implementation of the City's proprietary powers regarding Open Space Areas shall be delegated to and carried out by the Director, who shall report to Council through the City Manager. Without limiting the powers of the Director, the Director may:
- (a) temporarily close any portion of an Open Space Area to public use, for the purposes of construction, maintenance, repairs, removal of hazards or other reasonable cause;
 - (b) issue approvals for public gatherings, addresses and demonstrations, in accordance with Sections 5.0 and 5.2;
 - (c) designate areas within an Open Space Area where specified recreation activities, sports, camping or other activities are permitted or where specified activities are prohibited;
 - (d) establish rules for camping and other activities, including the designation of areas within which camping is allowed and limits on the duration of the activity;
 - (e) oversee the construction and development of new facilities in accordance with budgets approved by Council; and
 - (f) specify periods of time in which wood fires are prohibited within an Open Space Area on the basis of a fire hazard or air quality advisory warning.

17.0 PARK HOURS

- 17.1 Unless otherwise specified by the Director, Open Space Areas shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m. on all days.

18.0 EXEMPTIONS

- 18.1 The following persons are exempt from the provisions of this bylaw:
- (a) the employees, servants and agents of the City or other public authority to the extent required to carry out their power or duty; and
 - (b) any person who has received the prior written permission of the Director to use part of the Open Space Area as a temporary access to that person's property, to the extent of the exemption granted in the permission.
- 18.2 In granting permission under Section 18.1(b), the Director may establish conditions, including without limitation conditions regarding security deposits, hours of use, insurance and indemnification of the City.

8817, 2017

19.0 OFFENCE AND PENALTY

- 19.1 This Bylaw may be enforced,
- (a) by an Information laid in accordance with the *Offence Act*;
 - (b) by means of a ticket under the *Community Charter*;

- (c) by Bylaw Notice in accordance with the “*Local Government Bylaw Notice Enforcement Act*”; or by a combination of the above noted methods in (a), (b) and (c).
 - (d) With respect to enforcement further to a ticket issued pursuant to the *Community Charter*, the fines outlined in the “*City of Prince George Ticket Information Utilization Bylaw No. 5422, 1990*”, as amended or replaced from time to time, shall apply.
- 19.2 With respect to enforcement further to a Bylaw Notice issued pursuant to the *Local Government Bylaw Notice Enforcement Act*, the fines outlined in Schedule “B” of the “*City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016*”, as amended or replaced from time to time, shall apply.
- 19.3 Except as otherwise provided in this Bylaw, the “*City of Prince George Ticket Information Utilization Bylaw No. 5422, 1990*”, or the “*City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016*”, and amendments thereto, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carryout or perform any duty or obligation imposed by the Bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00).

20.0 REMOVAL

- 20.1 A peace officer may remove from an Open Space Area any person who violates any provision of this bylaw and who has refused to leave immediately after being requested to do so by the peace officer, the Director or a bylaw enforcement officer.
- 9389, 2023 20.2 The Director or a Bylaw Officer may remove, seize, and impound, or cause the removal, seizure, or impoundment of any Chattel that has been abandoned, deposited, disposed of, stored, or left unattended in an Open Space Area contrary to section 2.5 of this Bylaw.
- 9389, 2023 20.3 After the removal, seizure, or impoundment of a Chattel under section 20.2 of this Bylaw, a person entitled to its possession may obtain its release by contacting the Director during regular business hours and providing the Director with satisfactory evidence that the Chattel is the property of that person.
- 9389, 2023 20.4 The Director may cause a Chattel that has been removed, seized, or impounded under section 20.2 of this Bylaw to be sold by public auction to the highest bidder if:
- (a) the person entitled to possession of the Chattel has not claimed it under section 20.3 within thirty (30) days following its removal, seizure, or impoundment; and
 - (b) it appears to the Director that the Chattel has market value.

9389, 2023 20.5 The Director may cause a Chattel removed, seized or impounded under section 20.2 of this Bylaw to be disposed of as garbage if:

- (a) the person entitled to possession of the Chattel has not claimed it under section 20.3 within thirty (30) days following its removal, seizure, or impoundment; and
- (b) it appears to the Director that the Chattel has no market value.

9389, 2023 20.6 Where a Chattel is sold at public auction under section 20.4, the proceeds of such sale shall be applied by the City as follows:

- (a) firstly, to pay the costs of the auction;
- (b) secondly, to pay all removal and storage costs incurred by the City in relation to the Chattel; and
- (c) thirdly, where any surplus remains, to pay such surplus to the person entitled if that person’s identity and location are known.

9389, 2023 20.7 Where a surplus referred to in section 20.6(c) remains and the identity or location of the person entitled to it is unknown, the surplus shall be applied by the City as follows:

- (a) the surplus shall be held for one (1) year following the date of the auction; and
- (b) if the surplus has not been claimed by the person entitled within one (1) year of the date of the auction, the surplus shall be paid into the general revenue of the City and shall be absolutely forfeited to the City”.

21.0 REPEAL

21.1 “Prince George Parks Bylaw No. 2912, 1977”, and all of its amendments are hereby repealed.

22.0 TITLE

22.1 This bylaw may be cited for all purposes as “Parks and Open Space Bylaw No. 7370, 2002”.

READ A FIRST TIME THIS	25TH	DAY OF	MARCH	, 2002.
READ A SECOND TIME THIS	25TH	DAY OF	MARCH	, 2002.
READ A THIRD TIME THIS	25TH	DAY OF	MARCH	, 2002.

All three readings passed by a **UNANIMOUS** decision of Members of City Council present and eligible to vote.

ADOPTED THIS **8TH** DAY OF **APRIL**, **2002**,
BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND
ELIGIBLE TO VOTE.

C. KINSLEY

MAYOR

D. SHAEFFER

CORPORATE OFFICER

Schedule “A”

Restrictions on Temporary Overnight Sheltering

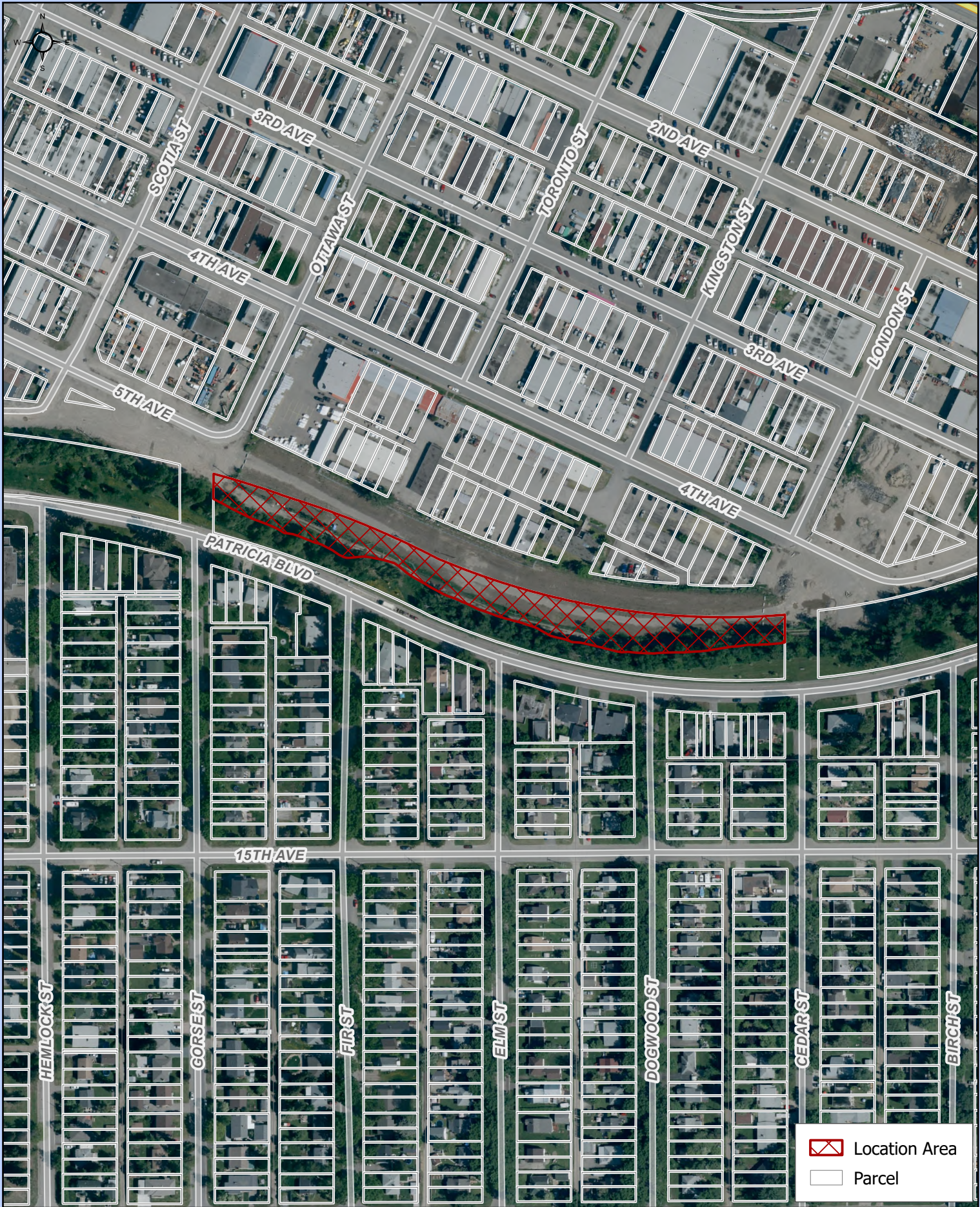
1. A homeless person permitted to erect and occupy a temporary overnight shelter under section 9.2 of this Bylaw may do so only in an Open Space Area listed in the following subsection (a) and in no other Open Space Area, and subject always to the regulations under sections 2 and 3 of this Schedule “A”:
 - a) That the part of “Lower Patricia Lands”, being the parcel legally described as:



Block M1, District Lot 343, Cariboo District, Plan 1268

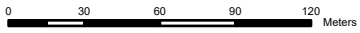
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shown outlined in red and identified as “Location Area” on Map 1: Lower Patricia Boulevard attached to and forming part of this Schedule “A”.
2. A temporary overnight shelter permitted under section 9.2 of this Bylaw must not be erected or occupied within or upon any of the following areas or facilities that are within an Open Space Area listed in section 1 of this Schedule “A”:
 - a) environmentally sensitive areas;
 - b) highways or boulevards;
 - c) trails or boulevard trails;
 - d) parking lots;
 - e) playgrounds, water parks, pools, or beaches;
 - f) flowers or shrub beds, horticultural display areas, or gardens;
 - g) skateboard bowls, tennis courts, or other sports court;
 - h) sports fields, stadiums, or dugouts;
 - i) stages or bleachers;
 - j) washroom facilities, picnic shelters, or gazebos;
 - k) recreation facilities;
 - l) roads, driveways or parking facilities.

3. A temporary overnight shelter permitted under section 9.2 of this Bylaw must not be erected or occupied in a manner that contravenes:
 - a) the regulations under “City of Prince George Fire By-Law No. 4136”;
 - b) an order of the Fire Chief issued under the authority of “City of Prince George Fire By-Law No. 4136”, or the *Fire Services Act* (British Columbia).



-  Location Area
-  Parcel



Coordinate System: NAD 1983 UTM Zone 10N
 Projection: Transverse Mercator
 Datum: North American 1983

1:3,000

Map 1: Lower Patricia Boulevard Schedule "A"

