

**TOWN OF COMOX**

**BYLAW NO. 1573**

**A BYLAW TO ESTABLISH RULES AND REGULATIONS FOR THE USE OF  
PARKS IN THE TOWN OF COMOX**

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WHEREAS certain outdoor recreational places within the Town of Comox are used, reserved or dedicated for the use and enjoyment of the general public;

AND WHEREAS the Council of the Town of Comox deems it wise to establish rules and regulations for the use of parks;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

**1. Title**

This bylaw may be cited for all purposes as the “Comox Parks Use Bylaw, 2007”.

**2. Definitions**

In this Bylaw,

- (a) “Council” means the Council of the Town of Comox;
- (b) “Body of Water” means any stream, river, pond, lake, marsh or ocean;
- (c) “Bylaw Enforcement Officer” means the Bylaw Enforcement Officer, Corporate Officer, Deputy Corporate Administrator or Parks Superintendent for the Town of Comox, or any other person designated by Council;
- (d) “Liquor” means any alcoholic drink or drinkable liquid, produced by either distillation or fermentation, and that is intoxicating;
- (e) “Noxious” means injurious or harmful to the health of living things;
- (f) “Park” means any outdoor recreational place that is used, reserved or dedicated for public purposes;
- (g) “Parks Use Permit” means a current and valid permit issued by the Parks Superintendent pursuant to Section 4 of this Bylaw for the purpose of undertaking activities listed in Section 3(4)(i) of this Bylaw.
- (h) “Refuse” means rubbish, trash or garbage;

- (i) “Structure” means anything built or constructed;
- (j) “Town” means the Town of Comox; and
- (k) “Vehicle” means a device or structure for transporting persons or things, except those devices designed to be propelled by human or battery power.

### **3. Regulations**

- (1) No person shall be permitted to be in any park within the Town of Comox between the hours of 11:00 p.m. and 6:00 a.m. of the following day.
- (2) Subsection (1) does not apply to Comox Municipal Marina tenants while at the Comox Municipal Marina or Municipal Marina Parking Lot, or to resident caretakers in any park.
- (3) No person while in a park shall:
  - (a) Possess open liquor, unless said liquor is possessed pursuant to and in compliance with a licence issued under the *Liquor Control and Licensing Act*;
  - (b) Light a fire, or throw, place or drop any lighted match, cigar, cigarette or other burning substance on the ground;
  - (c) Permit any animal, owned or harboured by the person, to enter any park except in accordance with the Comox Animal Control Bylaw, 2007 or unless otherwise permitted by Permit under this Bylaw;
  - (d) Permit any animal, owned or harboured by the person, to enter any body of water, except the ocean;
  - (e) Ride, lead or herd any animal, other than on trails, roads or lanes that have been designated for such use;
  - (f) Add, place, dump or leave any organic waste, noxious substance or refuse to any fountain or body of water;
  - (g) Hit, propel, throw or direct an object in such a manner as to be dangerous, including but not limited to the hitting of golf balls, the shooting of arrows, or the launching of model rockets or airplanes;
  - (h) Ride or operate a device designed to be propelled by human or battery power, except on trails or paved pathways and at speeds of less than ten kilometers per hour; or
  - (i) Interfere with any Town employee in the performance of his or her duties.

- (4) No person while in a park, other than a Town employee, or an approved park employee or volunteer, in the performance of his or her duties, shall
  - (a) Destroy, damage, climb, break, remove or injure any tree, shrub, plant, turf or flower;
  - (b) Deface, destroy, damage, break, alter or remove any sign, notice or structure;
  - (c) Place, dump or leave any foreign material, including but not limited to sand, gravel, earth, leaves or branches;
  - (d) Deposit refuse other than into a refuse receptacle provided for such purpose;
  - (e) Deposit in a park any refuse produced outside of the park;
  - (f) Drive, park or stand any vehicle in or on any area other than an established parking area, unless such vehicle is an emergency or Town vehicle, or authorized by the Town;
  - (g) Attempt to molest, disturb, frighten, injure, catch, trap or snare any wildlife;
  - (h) Obstruct the free use or disturb the enjoyment of the park by any other person;
  - (i) Without having first obtained a valid Parks Use Permit issued by the Town pursuant to this Bylaw,
    - (i) operate any amplification system or loud speaker;
    - (ii) build or cause to be built any structure;
    - (iii) post, paint or distribute any written information;
    - (iv) enjoy the exclusive right to the use of all, or any portion of the park;
    - (v) carry on any commercial activity;
    - (vi) take part in any procession, march, drill, performance, ceremony, concert, gathering or meeting; or
    - (vii) discharge any firearm, or set fire to or explode any combustible or explosive material.

#### **4. Parks Use Permit**

- (1) Each applicant for a Parks Use Permit must, for each event, fill out a Parks Use Application Form, as shown in Schedule A, attached to and forming part of this Bylaw.
- (2) Any organization requiring three or more permits in any calendar year may apply for a single Multi Use Permit.
- (3) No person shall undertake any of the activities listed in Section 3(4)(i) of this Bylaw without having possession of a valid Parks Use Permit.
- (4) The Parks Superintendent may refuse to issue or renew a Parks Use Permit if the applicant or holder of a Permit has previously failed to comply with any condition as set out in the Permit or this Bylaw, or has any outstanding fines levied in accordance with this Bylaw.
- (5) A Parks Use Permit is not transferable.
- (6) Each applicant for a Parks Use Permit must pay to the Town an amount, as specified in the Town of Comox Fees and Charges Bylaw, 1992.

#### **5. Conditions of Parks Use Permit**

- (1) A Parks Use Permit is subject to certain conditions, which are attached to and form part of the Parks Use Permit.
- (2) Pursuant to Section 15(1)(d) of the *Community Charter*, authority is hereby delegated to the Parks Superintendent to establish conditions related to the following:
  - (a) time of activity,
  - (b) place of activity, or
  - (c) location of activity.
- (3) The holder of a Parks Use Permit is permitted to undertake the activities as outlined in the Permit in compliance with the conditions that form part of the Permit.
- (4) Failure to comply with any condition set out in the Parks Use Permit shall render the Permit subject to immediate cancellation by the Parks Superintendent without prior notice.

## 6. Offences

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and shall, upon summary conviction thereof, be liable to a minimum penalty of \$500.00 and a maximum fine of \$10,000.00.
- (2) Each day that an offence continues shall constitute a separate offence against this Bylaw.

## 7. Enforcement

- (1) This Bylaw is designated under the provisions of Section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.
- (2) Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw pursuant to Section 264(1)(b) of the *Community Charter*.
- (3) Pursuant to Section 269(1) of the *Community Charter*, authorization is hereby delegated to the Bylaw Enforcement Officer, Corporate Officer or Deputy Corporate Administrator to refer tickets issued with respect to this bylaw to the Provincial Court for a hearing.

## 8. Penalties

- (1) Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.
- (2) Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Present in park when closed	3(1)	\$50.00
Possess open liquor	3(3)(a)	\$100.00
Light fire or place burning substance	3(3)(b)	\$200.00
Permit animal in body of water	3(3)(d)	\$100.00
Ride animal other than in designated area	3(3)(e)	\$100.00
Add noxious substance to fountain or body of water	3(3)(f)	\$200.00

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Hit, propel or throw object in dangerous manner	3(3)(g)	\$200.00
Ride or operate human or battery powered device	3(3)(h)	\$50.00
Interfere with Town employees in performance of duty	3(3)(i)	\$100.00
Damage, climb or remove natural vegetation	3(4)(a)	\$100.00
Deface or damage structure	3(4)(b)	\$200.00
Dump or leave foreign material	3(4)(c)	\$200.00
Deposit refuse other than in refuse receptacle	3(4)(d)	\$200.00
Deposit refuse from outside park	3(4)(e)	\$200.00
Drive or park vehicle other than in designated area	3(4)(f)	\$100.00
Disturb or catch wildlife	3(4)(g)	\$100.00
Disturb enjoyment of another person	3(4)(h)	\$100.00
Undertake Section 3(4)(i) activity without permit	4(2)	\$100.00

## 9. Severability

The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this bylaw.

## 10. Repeal

Bylaw No. 1070 “Comox Parks Use Restriction and Regulation Bylaw, 1992” is hereby repealed.

## 11. Adoption

- (1) READ A FIRST AND SECOND time this 20<sup>th</sup> day of September, 2007
- (2) READ A THIRD time this 17<sup>th</sup> day of October, 2007
- (3) ADOPTED this 7<sup>th</sup> day of November, 2007

“Dr. Jim Brass”  
 MAYOR

“Richard Kanigan”  
 CORPORATE OFFICER

**SCHEDULE A**



**PARKS USE PERMIT / APPLICATION**

**TOWN OF COMOX**  
1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

**COMOX PARKS USE BYLAW, 2007**  
**SCHEDULE A**

*Application must be completed in full. Permit fee must accompany this application.  
Applicant must supply two (2) pieces of identification, and one of the pieces  
must be government issued picture identification.*

**PART A - PARKS USE PERMIT**

Applicant's Name:	Phone:
Address:	Fax:
	Cell:
Name of Organization:	

Emergency Contact:	Phone:
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Permit requested for the following use(s) pursuant to Section 3(4)(i) of the Comox Parks Use Bylaw, 2007:

Park Name: \_\_\_\_\_ Permit Type: Single Use  Multi Use

<input type="checkbox"/> Operate amplification system or loud speaker	<input type="checkbox"/> Conduct commercial activity
<input type="checkbox"/> Build structure	<input type="checkbox"/> Take part in procession, ceremony or gathering
<input type="checkbox"/> Post, paint or distribute information	<input type="checkbox"/> Discharge firearm or explode material
<input type="checkbox"/> Exclusive right of use of all or portion (identify portion) _____	

**Important:** All statements made in this application are true and correct. I have read the Conditions of this Permit (reverse) and will comply with them. Further, I will comply with all applicable bylaws in the Town of Comox.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

OFFICE USE ONLY		
Approved By: _____	Issued: _____	
Permit Number: _____	Valid from: _____	Valid to: _____

**PART B - CONDITIONS OF PARKS USE PERMIT**

1. This Permit must be validated by the Parks Superintendent before the persons or organizations named on this Permit may use the park for the purpose indicated on the Permit.
2. Holders of this Permit must carry the original PAID permit, and must produce it when requested by the Town of Comox or the RCMP. Duplication of this Permit will be subject to a charge of \$10.00.
3. Holders of this Permit must abide by the conditions as set out in Section 5 of the Comox Parks Use Bylaw, 2007. Additional conditions, established by the Parks Superintendent, are as follows: