



## DISTRICT OF HIGHLANDS BYLAW NO. 337

### A BYLAW FOR THE MANAGEMENT, CONTROL AND USE OF EAGLES LAKE PARK

The Municipal Council of The District of Highlands in open meeting assembled enacts as follows:

#### **APPLICATION**

1. The provisions of this Bylaw apply specifically to Eagles Lake Park.

#### **INTERPRETATION**

2. In this bylaw, unless the context otherwise requires:

“*Animal*” means an organism other than human.

“*Authorized Personne*” includes peace officers, conservation officers, bylaw enforcement officers, animal control officers, fire chief, deputy fire chief and any employee designated as such by the District of Highlands

“*Beach*” means any area designated as beach by the District and by sign

“*Natural Park Feature*” means any native or non-native tree, shrub, flower, grass or plant of any kind; and soil, sand, gravel, rock, mineral, wood, fallen timber or other living or dead natural material

“*Park*” means Eagles Lake Park, a community park described as Lot D, Plan 38352, Section 39, Highland Land District developed for public access purposes which include a beach area, washroom facility and natural area

“*Park Administrator*” means the Chief Administrative Officer and any other person designated by the Chief Administrative Officer

“*Power Saw*” means a saw powered by an internal combustion engine

“*Vehicle*” means a device in, upon or by which a person or thing may be transported or drawn upon land, including all terrain vehicle, bicycles, skateboards, scooters, and tricycles.

“*Wildlife*” means any native or non-native mammal, bird, insect, reptile, fish or other indigenous creature

#### **ENFORCEMENT POWERS**

3. All *authorized personnel* may enforce this bylaw in the course of their duties.
4. Any *authorized personnel* may order a person who does anything contrary to this bylaw to leave the *park* immediately, or within a period of time specified by the *authorized personnel*, and every person so ordered must comply with the order and leave the *park* immediately or within the specified time period.

## **PARKS ADMINISTRATOR**

5. The *parks administrator* may cause to be erected a sign or other device to be placed in the *park*:
  - a) designating areas as *vehicle* parking areas, no parking areas, loading zones, and parking for person with disabilities;
  - b) specifying restrictions and areas where *animals* are prohibited;
  - c) to restrict or prohibit access to water bodies within the boundaries of the *park* to all vessels and watercraft;
  - d) to restrict or prohibit fishing from shore; and
  - e) to restrict smoking within the park boundaries.

## **EXEMPTIONS**

6. The employees, servants and agents of the District of Highlands or other public authority are exempt from the provisions of this bylaw to the extent required to carry out their power or duty.

This exemption shall include public authorities involved in the eradication of the American bullfrog and the removal of invasive species when permitted by the park administrator.

7. Council may direct the removal from the *park* any obstruction or thing placed there or thereon contrary to the provisions of the Bylaw.

## **PUBLIC CONDUCT**

8. No person shall obstruct or interfere with any person lawfully using the *park*.
9. No person shall behave in a disorderly, dangerous or offensive manner in the *park*.
10. No person shall climb, walk, or sit on any structure not intended for that purpose, or deface or destroy in any way a *natural park feature* or any other structure in the *park*.
11. Every person in the *park* must observe and obey every prohibition and restriction announced by a sign.
12. No person, except *authorized personnel* of the District in the course of their duties shall injure, deface or destroy any sign or notice lawfully posted or affixed to anything in the park.

## **CURFEW**

13. No person shall enter upon or otherwise remain within the *park* for any purpose whatsoever between 10:00 p.m. and 7:00 a.m.

## **NOISY ACTIVITIES**

14. No person, shall use an amplification device, broadcast or make any noise that disturbs or tends to disturb the free use and enjoyment of the *park* or the beach by any other person or neighbourhood unless approval in writing is obtained from the *park administrator*.

## **LIQUOR**

15. No person shall in the *park* consume or possess liquor, as defined in the *Liquor Control and Licensing Act*, except in compliance with a license issued under the *Liquor Control and Licensing Act* and as authorized by the *park administrator*.

## **DAMAGE**

16. No person shall remove, destroy or damage any *natural park feature*, either organic or inorganic, or other park property of any kind in the *park* except with the written permission of the *park administrator*.
17. No person in the *park* shall in any way foul or pollute any lake, stream, pond, watercourse or any *park* property.
18. No person shall molest, disturb, frighten, injure, kill, catch, trap or snare any *wildlife* in the *park* except as permitted by provincial or federal authorities or *park administrator*.

## **TREES AND OTHER NATURAL PARK FEATURES**

19. No person other than *authorized personnel* acting in the course of their duties shall remove any *natural park feature* or excavate, dig, cut into or open up the natural terrain of the park.
20. No person shall operate any *power saw* in the *park* or on the beach other than authorized personnel.

## **DUMPING AND LITTERING**

21. No person shall deposit or dispose of any garbage, offensive matter or substances of any kind in the *park* or the lake except in receptacles provided for such purpose.
22. No person shall deposit in a garbage receptacle in the *park* any garbage produced outside of the park.

## **FIRE AND SMOKING**

23. No person shall light or keep lit any fire in the *park*.
24. No person shall throw or place upon the ground in the *park* any lighted match, cigar, cigarette or other burning substance.

25. A person must not smoke in the *park* when signs or posted notices prohibit smoking.

### **CAMPING**

26. No person shall camp or sleep overnight in the *park* with or without shelter of any kind, including but not restricted to, a *vehicle*, recreational vehicle, tent, lean-to, or other natural shelter.
27. No person shall use a barbecue or camp stove for the preparation of food or drink in the *park*.

### **STORAGE**

28. No person shall use the *park* for storage of any kind.

### **ANIMALS IN THE PARK**

29. Any person having custody of a horses must not permit the horse to be in the *park* from May 1 through to September 30.
30. No owner of an animal shall permit such animal to *run at large* as defined in Bylaw No. 1465, CRD Animal Regulation and Impounding Bylaw No. 1, 1986.

A person having custody of an *animal* in the *park* must exercise control over the *animal* to ensure that the *animal* causes no annoyance or injury to any person or their *animal(s)*, and no damage to any public or private property, or any *natural park feature, wildlife* or *park* facility.

31. A person having custody of a dog, or other *animal* in the *park* must
- (a) remove any excrement deposited by the *animal* and must dispose of the excrement in a waste disposal container designated for that purpose; or
  - (b) carry the excrement out of the *park* if no waste disposal containers are available.
32. *Authorized personnel* may require a person having custody of a dog or other *animal* to restrain or remove the dog or other animal from the *park*.
33. Notwithstanding any provision in this Bylaw, nothing shall interfere with any rights of any person using a guide dog as set out in the *Guide Animal Act* R.S.B.C. 1996 c.177

### **FIREARMS AND HUNTING**

34. No person, without lawful excuse, other than a duly authorized officer acting in a lawful capacity, without written permission of the *park administrator*, shall carry or discharge any firearm, bow or crossbow, use or explode any fireworks, or fire or explode any combustible or explosive material in the park or on the beach.

## VESSELS AND WATERCRAFT

35. Motorized vessels and watercraft are not permitted in the *park*.

## VEHICLES AND PARKING

36. No person shall ride, operate or park any type of *vehicle* on or over any part of the *park* unless authorized to do so by the *park administrator* or in a designated and signed area to do so.
37. *Authorized personnel* of the District of Highlands may remove or cause to be removed any vehicles which are found to be parked in contravention of section 42 of this bylaw and cause such vehicles to be detained, impounded or pursuant to the provisions of the " District of Highlands Bylaw No. 300 to Regulate Roads and Traffic" or any successor bylaw.
38. *Vehicles* left unattended in an area that is a designated parking area by appropriate signage for more than 24 hours may be towed away at the owner's expense by order of *authorized personnel*.
39. No person shall clean any *vehicle* in the *park*.

## COMMERCIAL SERVICES AND ACTIVITIES

40. No person shall sell, expose or display for sale any goods or materials including refreshments or conduct any business in the *park*.
41. No person shall post, paint, or distribute any advertisement, banner, sign, placard or handbill of any kind in the *park*.
42. No person shall operate or station in the park any vehicle displaying advertising or equipped with a public address system for the purposes of advertising, demonstration or attracting attention.

## CONSTRUCTION

43. No person shall build or place any temporary or permanent structures or facilities in the *park* unless authorized to do so by the *park administrator*.

## PENALTIES

44. A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act* if that person:
- a) contravenes a provision of this Bylaw,
  - b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
  - c) neglects or refrains from doing anything required by a provision of this Bylaw.
45. Each day that a contravention of a provision of this Bylaw continues is a separate offence

**SEVERABILITY**

47. If a portion of this Bylaw is found invalid by a decision of a Court of competent jurisdiction the invalid portion shall be severed without effect on the remainder of the Bylaw.

**CITATION**

48. This By-Law may be cited as "District of Highlands Eagles Lake Park Management, Control and Use Bylaw No. 337, 2012".

**REPEAL**

49. The following bylaws and amendments thereto are hereby repealed:

- Bylaw No. 245 “Community Parks Participating Electoral Areas Bylaw No. 1, 1975
- Bylaw No. 591, “Community Parks Regulations (Colwood, Langford and Metchosin), Bylaw No. 1, 1979”
- Bylaw No. 1083, “Community Parks Regulations (Colwood, Langford and Metchosin), Bylaw No. 1, Amendment Bylaw No. 1, 1982”

Read a FIRST time this 18<sup>th</sup> day of June, 2012

Read a SECOND time this 18<sup>th</sup> day of June, 2012

Read a THIRD time 18<sup>st</sup> day of June, 2012

ADOPTED this 25<sup>th</sup> day of June, 2012

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MAYOR

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CORPORATE OFFICER

**SCHEDULE “A”****DISTRICT OF HIGHLANDS****EAGLES LAKE PARK MANAGEMENT, CONTROL AND USE BYLAW NO. 337****WORDS OR EXPRESSIONS DESIGNATING OFFENCE**

	<b><u>FINE</u></b>	<b><u>SECTION</u></b>
Obstruct or interfere with use of park	\$50.00	8
Disorderly, dangerous or offensive behavior	\$50.00	9
Deface or destroy a natural feature or structure	\$100.00	10
Enter park after curfew (10pm – 7am)	\$100.00	13
Noisy activity	\$100.00	14
Consumption or possession of alcohol	\$100.00	15
Remove, destroy or damage any natural feature or park property	\$100.00	16
Foul, pollute any watercourse or park property	\$100.00	17
Molest, disturb, frighten, injure, kill, catch, trap or snare any wildlife	\$100.00	18
Remove any natural feature or excavate, dig, cut into	\$100.00	19
Operate a power saw	\$100.00	20
Deposit or dispose of any garbage except in receptacle provided	\$100.00	21
Deposit in receptacle garbage produced outside of park	\$100.00	22
Fire in park	\$100.00	23
Throw or place on ground lighted match, cigar, cigarette	\$100.00	24
Smoking in park	\$100.00	25
Camp or sleep in park	\$100.00	26
Use barbeque or camp stove in park	\$100.00	27

**DISTRICT OF HIGHLANDS  
EAGLES LAKE PARK MANAGEMENT, CONTROL AND USE BYLAW NO. 337**

**WORDS OR EXPRESSIONS DESIGNATING OFFENCE**

	<b><u>FINE</u></b>	<b><u>SECTION</u></b>
Storage in park	\$100.00	28
Horse in park during May 1 to September 30, 2012	\$100.00	29
Dog running at large	\$100.00	30
Does not remove excrement deposited by animal	\$100.00	31 a)
Does not remove excrement deposited by animal out of park	\$100.00	31 b)
Carry or discharge of firearms	\$100.00	34
Motorized vessel or watercraft in park	\$100.00	35
Ride, operate or park unauthorized vehicle park	\$100.00	36
Clean any vehicle in the park	\$100.00	39
Sell, expose or display for sale any goods	\$100.00	40
Post, paint or distribute advertisement	\$100.00	41
Operate a public address system in the park	\$100.00	42
Build or place any temporary or permanent structure	\$100.00	43