

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 840

A bylaw of the Village of Cumberland to create regulations governing the management, maintenance, improvement, operation, control, and use of parks.

WHEREAS the Village of Cumberland Council may, by bylaw, in relation to property owned, held or managed by the municipality for nature, pleasure, recreation or community uses of the public, make regulations governing the management, maintenance, improvement, operation, control and use of such property; and

WHEREAS the Council of the Corporation of the Village of Cumberland may, by bylaw, close to the free use by the public, in whole or any part of a community park or trail, at times and for periods that may be deemed advisable;

NOW THEREFORE the Council of the Corporation of the Village of Cumberland in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the **“Corporation of the Village of Cumberland Parks Regulations Bylaw No. 840, 2007”**.

2. APPLICATIONS

- a) Schedule ‘A’ to this Bylaw sets out the regulations governing the use of a Village of Cumberland Park.
- b) Properties currently classified as a Park of the Village of Cumberland are listed on Schedule ‘C’. Parks shall also include all future Parks acquired through subdivision, pursuant to section 904 and 941 of the *Local Government Act* and Parks acquired through negotiations with developers.

3. INTERPRETATION

For the purpose of this Bylaw, the following definitions apply. Terms contained in this Bylaw and not defined herein, their context and meaning shall be as defined in the Canadian Oxford dictionary and then in the “Village of Cumberland Zoning Bylaw No. 717, 2004.”

Council means the Council of the Village of Cumberland

Cycle Means a device having any number of wheels that is propelled

	by human power and on which a person may ride and includes a motor assisted Cycle (MAC), but does not include skateboards, roller skates or in-line roller skates.
<i>Heritage Object</i>	means personal property that has heritage value to British Columbia, a community or an aboriginal people. <i>[Bylaw 1021]</i>
<i>Manager of Recreation</i>	means the manager of recreation for the Corporation of the Village of Cumberland or designate, and includes the Chief Administrative Officer. <i>[Bylaw 1021]</i>
<i>Motorized vehicle</i>	Means any motorized mode of transportation such as cars, all-terrain vehicles, dirt bikes, motorcycles, motorized bikes, gas-powered scooters but excludes motorized wheelchairs, electric scooters or other mobility assistance devices.
<i>Natural materials</i>	means vegetation of any kind, soil, gravel, rock, mineral, wood, driftwood, fallen timber, or any other material occurring naturally in the Park, whether animate or inanimate.
<i>Park</i>	means play lots, playgrounds, play fields, trails, public squares, open spaces and other places including recreation or cultural facilities which are owned, possessed or operated by the Village of Cumberland and which are used, reserved or dedicated for public parks, recreation and cultural purposes, but does not include any park or part of a park that is leased, managed or operated by another party under an agreement with the Village. <i>[Bylaw 1021]</i>
<i>Special use</i>	means any commercial or non commercial services, activity or event which attracts or requires participants or spectators, and includes, but is not restricted to, a festival, sport competition, tournament, group training or group lesson, regatta, animal show, fishing derby, orienteering, operation of a model airplane, model boat, or model car and television or motion picture filming.
<i>Village</i>	means the Corporation of the Village of Cumberland

4. SCHEDULES

The following schedules are attached to form part of this Bylaw:

- | | | | |
|----|-------------------|----------------------|---------------------|
| a) | Schedule 'A' | Park Regulations | |
| b) | <i>[repealed]</i> | | <i>[Bylaw 1021]</i> |
| c) | Schedule 'C' | Parks & Greenways | |
| d) | Schedule 'D' | Special Prohibitions | |

5. PARK MAINTENANCE and DEVELOPMENT

This Bylaw shall not be interpreted as impairing or preventing the Village of Cumberland, its employees, contractors and agents from carrying out any maintenance and development work within any Park.

6. ADMINISTRATION

The Manager of Recreation, Planner, Bylaw Enforcement Officer, agents of the Village of Cumberland, such other person(s) appointed by the Council, and the Royal Canadian Mounted Police are authorized to administer and enforce the provisions of this Bylaw.

[Bylaw 1021]

7. VIOLATION

- a) It shall be unlawful for any person to cause, suffer, or permit any land within a Park to be occupied or used in contravention of the regulations of this Bylaw.
- b) Any person who violates a provision of this Bylaw is liable, on summary conviction, to the penalties prescribed in the *Offence Act*.

8. EFFECTIVE DATE

This bylaw shall apply to all activities taking place and all bookings made after this bylaw is adopted, with the exception that the previous rates shall continue to apply to all activities that have been confirmed by a facility booking contract or park use permit prior to this bylaw being adopted

READ A FIRST TIME THIS	26 TH	DAY OF	NOVEMBER	2007.
READ A SECOND TIME THIS	14 TH	DAY OF	JANUARY	2008.
READ A THIRD TIME THIS	8 TH	DAY OF	MARCH	2010.
ADOPTED THIS	22 ND	DAY OF	MARCH	2010.

Mayor

Corporate Officer

Schedule 'A'

PARK REGULATIONS

1. Prohibited Uses

- a) No person shall remove, destroy, cut or damage any natural material from a Park or on a trail except authorized persons engaged in maintenance of the Park.
- b) No person shall remove, destroy or damage any structures, maps, signs, notices or regulations posted in a Park.
- c) No person shall in any way foul or pollute any lake, stream, pond, wetland or watercourse or any Park property.
- d) No person shall remove, destroy or damage any heritage object in a park or on a trail except as authorized by the Province of British Columbia. *[Bylaw 1021]*

2. Public Conduct and Noise

- a) No person shall obstruct or interfere with any person or traffic lawfully using a Park.
- b) No person shall behave in a disorderly, dangerous or offensive manner in a Park.
- c) No person shall in a Park make or cause noises or sounds including music or amplified sound which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of adjacent landowners and/or persons in the vicinity except in accordance with Clause 2(d). *[Bylaw 1021]*
- d) Any person may request Council to authorize a special use in the Park in accordance with Clause 12(d) of this bylaw and may request such special use to be exempted from the provision of the Village's Noise Bylaw.
- e) A person in a park must obey all signs and notices posted by the Village in a park. *[Bylaw 1021]*

3. Garbage

- a) No person shall deposit in a Park any garbage, sewage, refuse, empty or broken bottles, tin cans, cartons, paper or other waste or obnoxious material other than in a receptacle provided for that purpose.
- b) No person shall transport into a Park any garbage, sewage, refuse or other waste of any kind that originated from another location.

4. Encroachment

No person, including an owner of property adjacent to a Park shall use a park for storage or disposal of any materials of any kind or for building of any structures or improvements including fences, signs, landscaping, paving and retaining walls except as authorized by the Village.

Schedule 'A'

5. Fires

- a) No person shall kindle, build, light, maintain, or use any fire at any location in a Park other than in a fire pit or barbecue pit provided for the purpose by the Village.
- b) All open fires require a permit to burn issued by the Fire Chief or designate of the Village.
- c) The prohibition under this section does not include the use of a portable grill, barbecue, or propane stove.

6. Firearms and Hunting

- a) Unless authorized by a Park Use Permit under Clause 12, no person shall discharge any firearm, bow, or crossbow in a Park at any time.
- b) No person shall hunt in a Park.

7. Camping

No person shall use a Park for the purpose of camping, tenting, or overnight accommodation except in designated campgrounds or by permission of the Village.

8. Animals

- a) No person shall ride, lead, or have charge of, any horse or other draught or riding animal in a Park except in an area or on a trail as permitted by a sign or other device or as approved by the Village.
- b) Except as authorized by the Village, no persons who owns or is responsible for an animal shall allow that animal to graze, browse or otherwise consume vegetation or roam at large in a Park.
- c) No person shall cause or permit any animal owned by him or her or in his or her control to be or remain at large in a Park.
- d) A peace officer may require a person with care and control of a domestic animal in a park to remove it from that park if in the opinion of the peace officer the animal is
 - i) potentially dangerous,
 - ii) disruptive to other park users,
 - iii) by its action, demeanour or lack of control by the owner, causing alarm or concern to other park users, including without limitation, children under age of twelve, elderly or disabled persons. *[Bylaw 1021]*

8.1 Dogs

- a) A person with care and control of a dog must not allow it to be in or to enter a park or part of a park listed in Schedule 'D' to this bylaw.

Schedule 'A'

- b) A person with care and control of a dog in a park must have the dog on a leash at all times, except in a park or part of a park listed in Schedule 'E' to this bylaw.
- e) A person with care and control of a dog in a park must
 - i) carry at least one leash and one collar for each dog at all times;
 - i) immediately pick up and remove all feces deposited by each dog;
 - ii) dispose of feces in garbage can if available or remove from site for appropriate disposal;
 - iii) exercise effective control over the dogs at all times;
 - iv) exercise sufficient control over the dogs to ensure the dogs do not disturb, chase, threaten, pursue, hunt, attack, injure or otherwise harass people, wildlife, livestock or other animals;
 - v) restrain or remove the dogs from a park when requested by anyone authorized to administer this Bylaw.

[Bylaw 1021]

9. Parking

No person shall park any vehicle on any road or public right-of-way in a Park in such a manner as to impede proper use of the road or public right-of-way or in such a place or manner as to damage vegetation or landform, or to restrict or inhibit public recreational use of a Park.

10. Motorized Vehicle

- a) No person shall operate a motorized vehicle below the natural boundary of a watercourse in a Park except for launching a boat at a designated ramp;
- b) No person shall operate a motorized vehicle off the designated roadways except authorized personnel or with a Park Use Permit issued by the Village.
- c) No person shall operate a motorized vehicle in such a manner as to disturb the natural features of a Park.
- d) No person shall operate or cause to be operated a motorized vehicle in a Park except authorized personnel.
- e) No person shall park or leave a vehicle in a Park or parking area of a Park when such Park is closed for public use.
- f) Any motorized vehicle parked in violation of this Bylaw may be removed and impounded, and the owner of the motor vehicle shall pay the total cost of removal and impoundment before the motor vehicle is returned to the said owner.

11. Park Hours

- a) All Parks shall be open for public use between the hours of 5 am and 11 pm daily unless otherwise designated by this Bylaw or as authorized by the Village.

Schedule 'A'

- b) After hours loitering in Parks is prohibited.

12. Park Use Permit

- a) No person shall, in a Park, conduct or carry out any special use except where authorized by a Park Use Permit issued by the Village.
- b) The holder of a Park Use Permit must maintain the area designated under the Permit in a neat and clean condition.
- c) The Manager of Recreation may issue a Park Use Permit for special use if all of the following criteria are met:
 - i) the special use conforms with the policies of the "Parks and Greenways Master Plan Bylaw No. 998, 2014" as amended, or its successor, a park plan where applicable, and or any other applicable regulation for that park;
 - ii) the location used is selected with a sensitivity to the Park resources and the experience of other Park visitors;
 - iii) the carrying on of a special use will result in minimum negative environmental impact;
 - iv) the applicant has completed a Park Use Permit application;
 - v) the permit fee and damage deposit has been paid in advance;
 - vi) the applicant has been notified that site cleanup costs, if applicable, are due 30 days from the last date of special use on the Park Use Permit and if payment is not received then the damage deposit will be forfeited;
 - vii) proof of comprehensive general liability insurance is provided in accordance with the Park Use Permit requirements; and
 - viii) a release and indemnification form is signed by the applicant in accordance with the Park Use Permit requirements.

[Bylaw 1021]

- d) A Park Use Permit may be issued subject to conditions, including but not limited to, the following:
 - i) confinement of the activity to a specific location within a Park;
 - ii) restriction of the activity to certain days and hours;
 - iii) specific conditions for the use of generators during an activity;
 - iv) retention of private security services, policing, first aid or emergency personnel;
 - v) supply, installation and servicing of additional garbage receptacles or add additional charge to cover Village staff service calls;
 - vi) supply, install, service and removal of portable toilets; and;
 - vii) an additional charge for Village staff service calls for sanitary pump-out of existing on-site toilets.

Schedule 'A'

- viii) the applicant pays the park use permit fee set out in "Fees Bylaw, No. 1016, 2015", as amended, or a successor bylaw.

[Bylaw 1021]

- e) The Manager of Recreation may:
 - i) refuse to issue a Park Use Permit to any persons or group who has previously contravened this Bylaw;
 - ii) revoke a Park Use Permit if the special use is conducted in a manner which contravenes this Bylaw.

[Bylaw 1021]

- f) Issuance of a Park Use Permit does not exempt the applicant from obtaining any other permits, licences or approvals where required and from complying with any other applicable bylaws.

- g) *[repealed]*

[Bylaw 1021]

13. Boat Moorage

- i) Moorage at dock facilities shall be restricted to boats 12.8 metres or less in length.
- ii) Moorage at dock facilities shall be limited to 24 hours, unless otherwise permitted as authorized in writing by the Chief Administrative Officer or designate of the Village.
- iii) Any boat docked in violation of this Bylaw may be removed and impounded, and the owner shall pay the cost of removal and impoundment before the boat is returned to the owner.

Schedule 'B'

[repealed by Bylaw 1021]

Schedule 'C'

PARKS

Park [or Description]	Location	Roll No	PID	Legal Description
[Camp Road Greenway and Ravine]	North of western end of Dunsmuir Avenue	00667.041	n/a	Plan EPP18594
Coal Creek Historic Park	Comox Lake Road	00820.700	025-477-366	Lot 1, Section 3, District Lot 24, Nelson District, Plan VIP74169
Cumberland Community Forest	Comox Lake Road	02400.004	026-173-255	Lot 1, Section 3, Nelson District, Plan VIP78238
		02500.004	026-523-558	Lot A, Section 3, Nelson District, Plan VIP80099
Cumberland Lake Park	Comox Lake Road	04962.000	009-941-584	Plan 140R, Block 239, Comox District
[Derwent Avenue] (Porky's Path)	Derwent Avenue	00394.632	000-174-734	Lot A, District Lot 24, Nelson District, Plan 32692
		516 00667.039	n/a	[east part of] Plan EPP17313, District Lot 24, Nelson District
[Egremont]	Egremont Road	00721.166	001-297-546	Lot 83, District Lot 24, Nelson District, Plan 30033,
[Lagoon/Wetlands]	Union / Cumberland Roads	00394.765	024-915-084	Lot 1, District Lot 24, Nelson District, Plan VIP71673
[Maple Wetlands]	Hope Road	00526.162	n/a	Plan EPP12798
No 6 Mine Heritage Park	Derwent Avenue	00720.080	002-231-913	Lot 5 District Lots 21&24, Nelson District, Plan VIP27906
		00720.010	002-232-090	Lot 6, District Lots 21&24, Nelson District, Plan VIP27906
		00720.012	002-232-251	Lot 7, District Lots 21&24, Nelson District, Plan VIP27906
		00720.014	002-232-499	Lot 8, District Lots 21&24, Nelson District, Plan VIP27906
[North Wellington Colliery Railway Trail] [No. 5 Mine Trail]	Kendal Avenue			

[Old Orchard]	Comox Lake Road and Dunsmuir Avenue	516 00667.039	n/a	[west part of] Plan EPP17313, District Lot 24, Nelson District
Peace Park	Third Street / Cumberland Rd	00395.000	006-243-771	Plan VIP3268, Block 29, District Lot 24, Nelson District
Ravenwood Park	Carlisle Lane			
[South Wellington Colliery Railway Trail] (ecogift)	South of Village Park	00392.550	005-024-692	Plan 21RW, District Lot 21, Nelson District
		02400.002	005-024-315	Plan 21RW, Section 3, Nelson District
[Ulverston Station]	Ulverston Avenue /Mill Street	None	None	Plan VIP77088 Park
		00526.264	023-888-512	Lot C, Section 25, Comox District, Plan VIP65968
		00526.165	003-278-425	Lot A, Section 25, District Lot 24, Nelson District, Plan VIP23092
Village Park	Dunsmuir Avenue	00379.000	008-936-005	Lot 2, Block 28, District Lot 21, Nelson District, Plan 522C
Village Park (ecogift)		00392.500	006-665-306	Remainder District Lot 21, Nelson District
Village Park (BMX Track)		00392.575	024-894-826	Lot A, District Lot 21, Nelson District, Plan VIP71591
Village Square	2743 Dunsmuir	00184.000	008-963-452	Lot 10, Block 11, District Lot 21, Nelson District, Plan 522A

[Bylaw 1021]

Schedule 'D'

Dogs Prohibited

1. Village Park, except within the fenced area of the designated off-leash dog park.

[Bylaw 1021]

Schedule 'E'

Dogs Permitted Off-Leash

1. The fenced area of the designated off-leash dog park in Village Park

[Bylaw 1021]