

DISTRICT OF UCLUELET

Bylaw No. 963, 2004

A bylaw to regulate the use of Public Places, Parks,
Open Spaces, Beaches and Highways within the District of Ucluelet

WHEREAS the Council of the District of Ucluelet is authorized and empowered pursuant to the *Community Charter* to regulate the development, management, maintenance, operation, control and use of District owned, held, granted or reserved property for pleasure, recreation or community use.

NOW THEREFORE the Council of the District of Ucluelet, in the Province of British Columbia, in an open meeting assembled, enacts as follows:

1. Title

This bylaw shall be known and cited for all purposes as the "District of Ucluelet Public Property Use Regulation Bylaw No. 963, 2004".

2. Definitions

In this bylaw:

"Beach" means all foreshore parcels of land, including sand, rock and natural material from the visible high water mark down to any body of water within the District of Ucluelet.

"Boulevard" means the area between the curb lines or the shoulder of a highway and the adjacent property line and includes curbs, sidewalks, ditches and any area sodded, seeded or otherwise improved and maintained under the direction of the **District**.

"Bylaw Enforcement Officer" means the person authorized by the Council of the District of Ucluelet to enforce the regulations of this bylaw.

"Council" means the Council of the District of Ucluelet.

"District" means the District of Ucluelet.

"Driveway, Roadway or Path" means any way or thoroughfare set apart other than a highway, and improved by grading, gravelling or other means, for use by pedestrians, vehicular or animal traffic, as signed within the District.

"Garbage" means all domestic and commercial waste or refuse from a motor vehicle, recreational vehicle, trailer, housing unit, boat or houseboat.

"Highway" means every highway within the meaning of the Highway Act; every street, lane, right-of-way designed or intended for or used by the general public for the passage

of vehicles; and every private place or passageway to which the public, for the purpose of parking or servicing vehicles, has access or is invited.

"Motor Vehicle" means a vehicle as defined in the **Motor Vehicle Act**.

"Overnight Camping" means to camp, lodge or otherwise encamp with or without a tent or other form of shelter anytime between sunset of one day and sunrise of the following day.

"Park/Municipal Park" means any real property within the District used for public park and recreational purposes and shall include any other parcel of land:

- a) operated and maintained by the District for public use;
- b) owned by the District and left undeveloped as open space.

"Person" means a person pursuant to the **Interpretation Act**.

"Public Parking Area" means those areas within the District abutting parks, public beaches and other District property, which are clearly set out and signed for the parking of motor vehicles.

"Public Place" means any place to which the public are entitled or permitted to have access without payment and could include parks, open spaces, beaches, District owned land or highways.

"Special Events Permit" means the permit issued for a Special Event or large assembly.

GENERAL CONDITIONS

3. Protection of Natural Resources

- a) Vegetation - No person shall cut, break, injure, foul, pollute or in any way destroy or damage any tree, shrub, plant, turf, flower or any natural or cultivated vegetation in any park, on any beach or public place within the District.
- b) Water - No person shall in any way foul, waste or pollute water from any fountain, pool, lake, reservoir, stream or sea in any public place, park, beach or along any highway within the District.
- c) Wildlife - No person shall molest, disturb, frighten, injure, catch, trap, ensnare or feed any bird or animal in any public place, park, beach or along any highway within the District.
- d) Minerals - No person shall paint, smear or otherwise deface or mutilate any rock in any public place, park or on any beach or highway.

4. Man-Made Structures

- a) District Property - No person shall injure, deface or destroy any building, structure, facility, fence, sign, seat, bench or ornament in any public place within the District.
- b) Signage - No person shall injure, deface or destroy any signage, notices, rules or regulations posted or affixed to anything within the District.

5. Access Prohibited

No person shall:

- a) climb, walk or sit upon any wall, fence or planter unless the same is designed for that purpose.
- b) obstruct access or interfere with the quiet enjoyment of any person or traffic on or to a public place, park or highway.
- c) enter onto a park, public place or highway where prohibited by signage.

6. Litter/Boulevard and Sidewalk Maintenance

- a) No person shall throw down, drop or otherwise deposit or leave in any public place, park, beach or on any District owned property, boulevard or highway, other than in a receptacle provided for that purpose, anything such as litter, garbage or garden or clearing waste.
- b) Each owner/occupant of real property within the District shall ensure that all litter, garbage, leaves, snow, ice or other form of debris is removed from any boulevard or sidewalk bordering their real property. If the snow, ice or debris is not removed within a reasonable time frame, the District shall give written notice of intention to remove same within 48 hours or the District will complete the work and invoice the owner/occupant of the real property for costs incurred.
- c) Each owner/occupant of real property within the District shall ensure that boulevards bordering their real property are maintained in a clean and neat condition and that the grass is mowed regularly and all brush and other vegetation is removed.
- d) Any person operating a bicycle, skateboard, rollerblades or other similar equipment and apparatus associated with such equipment, shall yield the right of way to and shall not interfere with the quiet enjoyment of any person or traffic on or in a public place, park, highway, street or road.

7. Sale of Goods

Except as permitted by the District of Ucluelet Business License Bylaw:

- a) No person shall sell, trade, barter or offer for sale, any goods or services, refreshments or article within a park, public place, beach or on any District owned property, boulevard or highway without first obtaining a permit.
- b) No person shall organize a public or fisherman's market on any highway or on any municipal property.

8. Domestic Animals

Except as permitted by the District of Ucluelet Animal Control and Licensing Regulation Bylaw, no owner or harbourer of a domestic animal, livestock or fowl shall suffer or permit such animal livestock or fowl to run at large, foul any property or feed upon any natural materials or animals within any park, public place, beach or on any District owned property, boulevard or highway within the District.

9. Camping

- a) Outdoor Camping - No person shall establish or maintain a camp on District owned property, parks, beaches, public places or highway within the District, except with express written permission of Council.
- b) Motor Vehicles, Trailer, Recreational Vehicles - No person shall stand, stop or park any vehicle on any park, public place or highway within the District for the purpose of overnight camping, unless that park or public place is a designated campground.
- c) No person shall establish or maintain a camp, or stand, stop or park any vehicle on any private property for the purpose of overnight camping without the express written permission from the owner of the private property, unless that private property is a designated campground.

10. Traffic

Except as permitted by the District of Ucluelet Traffic and Parking Regulation Bylaw, no person, other than an employee or agent of the District of Ucluelet in the course of his municipal duties, shall drive, or permit a vehicle to be driven within any park or public place or on a beach, except upon driveways provided and signed for that purpose.

11. Provision of Facilities to Service Large Assemblies

The use of parks, beaches and open spaces by residents and visitors to the community is encouraged. Large assemblies are welcome, subject to an approved Special Events Permit and adherence to the regulations prescribed under the District of Ucluelet Parks & Recreation Facilities Policy #004/02.

12. Designated Public Parking Areas

Except as permitted by the District of Ucluelet Traffic and Parking Regulation Bylaw:

- a) Designated Public Parking Areas - No person shall park any vehicle within any park, public place or upon any beach, District owned property or highway, except within designated and signed public parking areas. Parking upon a sodded, seeded or otherwise improved area is strictly prohibited.
- b) Visitor Parking Only - No person shall park any vehicle within the designated parking area of any park, beach or public place except for the express purpose of visiting that park, beach or public place.
- c) Parking Restrictions - No person shall park any vehicle in the designated parking area of a park, beach or on a highway access to same, between the hours of 11:00 p.m. of one day and 6:00 a.m. of the next day.

- d) Parking Provided for the Disabled - No person shall park in a designated and signed disabled or handicapped parking stall unless the vehicle displays a disabled or handicapped sticker, decal or placard.

13. Possession of Liquor in a Public Place

No person shall be in possession of liquor in a public place without written approval from Council, in the form of a Special Events Permit.

14. Municipal Parks

All Municipal Parks shall be closed between the hours of 11:00 p.m. of one day and 6:00 a.m. of the next day.

15. Exceptions

The provisions of this bylaw do not apply to the following situations:

- a) The driver of an emergency vehicle may disregard all of the provisions of this bylaw while acting in the course of an emergency.
- b) The pilot of an aircraft engaged in lawful aviation activities carried on within the jurisdiction or and in compliance with the Aeronautics Act and all other applicable federal and provincial enactments.
- c) Authorized construction, installation, repair, excavation or animal protection and control work carried out by agents or employees of the District of Ucluelet, B.C. Hydro, Telus, Provincial Government or the Federal Government, in the protection of property, life or health.

16. Bylaw Enforcement Officer

- a) The Bylaw Enforcement Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions prescribed in this bylaw are carried out.
- b) For the purposes of this bylaw, the Bylaw Enforcement Officer means any of the following:
 - Chief Administrative Officer or designate
 - Director of Engineering or designate
 - Bylaw Enforcement Officer
 - RCMP Officers
 - RCMP Auxiliary Officers
- c) No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his duties as prescribed in this bylaw.

17. Offences

- a) 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 neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall constitute a separate offence.

A CERTIFIED TRUE AND CORRECT COPY of the "Public Property Use Regulation Bylaw No. 963, 2004."

Gale Shier
Municipal Clerk

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Dianne St. Jacques
Mayor

Gale Shier
Municipal Clerk

**Bylaw No. 963, 2004
Schedule A**

Penalties & Fines

Offence	Section	Fine – 1st Offence	Fine – 2nd & Subsequent Offences
Violate/Pollute/Destroy Vegetation	3(a)	\$50.00	\$100.00
Foul/Waste/Pollute Water	3(b)	\$50.00	\$100.00
Disturb/Violate/Frighten/Entrap Animals/Wildlife	3(c)	\$50.00	\$100.00
Deface/Mutilate Any Rock/Mineral	3(d)	\$50.00	\$100.00
Injure/Deface/Destroy District Property	4(a)	\$200.00	\$500.00
Injure/Deface/Destroy District Signage	4(b)	\$200.00	\$500.00
Climb/Walk/Sit on Wall/Fence/Planter	5(a)	\$50.00	\$100.00
Obstruct/Interfere With Access to Any Public Place/Highway	5(b)	\$100.00	\$200.00
Enter Park/Public Place/Highway Prohibited by Signage	5(c)	\$50.00	\$100.00
Drop/Deposit Litter in any Public Place	6(a)	\$50.00	\$100.00
Litter/Debris on Boulevard Not Removed	6(b)	\$50.00	\$100.00
Boulevard Not Maintained	6(c)	\$50.00	\$100.00
Obstruct/Interfere with Traffic/Pedestrians	6(d)	\$50.00	\$100.00
Vending on District Property/Highway	7(a), (b)	\$100.00	\$200.00
Illegal Outdoor Camping	9(a)	\$50.00	\$100.00
Illegal Motor Vehicle Camping	9(b)	\$50.00	\$100.00
Illegal Camping on Private Property	9(c)	\$50.00	\$100.00
Public Assemblies on Public Property Without Permit	11	\$50.00	\$100.00
Illegal Parking in Designated Parking Area	12 (a), (b), (c), (d)	\$50.00	\$100.00
Possess Liquor in Public Place	13	\$50.00	\$100.00