

CITY OF SURREY

BY-LAW NO. 13480

Surrey Parks, Recreation and Cultural Facilities Regulation By-law, 1998
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As amended by By-law No. 15780, 07/11/2005; 16987, 07/27/09; 17392, 05/09/11; 19216, 05/08/17; 20933, 05/15/23

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

- (a) WHEREAS the Council of the City of Surrey is empowered to make rules and regulations governing the management, maintenance, improvement, operation, conservation, control and use of property held by the City for pleasure, recreation or community purposes;
- (b) AND WHEREAS the general welfare of the community is enhanced by the availability and efficient use of pleasure, recreation and community use property within the City;
- (c) AND WHEREAS the Council of the City of Surrey has delegated to the General Manager, Parks, Recreation and Culture Department certain specific administrative powers of the Council relating to property held for pleasure, recreation and community purposes;

Under its statutory powers, including Part 2 of the *Community Charter*, S.B.C. 2003, c.26, the Council of the City of Surrey enacts the following provisions:

INTENT OF BY-LAW

- (a) to make rules and regulations to ensure that the best use is made of all parks, recreation and cultural facilities within the City; and

- (b) to empower the General Manager, Parks, Recreation and Culture to carry out the intent of this By-law.

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Part 1
Introductory Provisions

Title

1. This By-law may be cited as "Surrey Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480."

Definitions

2. In this By-law,

"Bathing Beach"

means any beach within a park normally used for swimming and similar aquatic exercises or for sun bathing.

"Activated e-cigarette"

means an e-cigarette in which an e-substance is being vapourized.

"Boulevard"

includes any portion of any road, street or highway which has been sodded, seeded or otherwise improved and maintained by the Parks, Recreation and Culture Department.

"City"

means the City of Surrey.

"Community Charter"

means the *Community Charter*, S.B.C. 2003, c.26, as amended.

"Driveway", "Roadway", "Path" or "Lane"

includes any way or thoroughfare within a park set apart and improved by grading, gravelling or other means for the use of pedestrian, vehicular or animal traffic.

"e-cigarette"

means the following:

- (a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an e-substance for inhalation or release into the air;
- (b) a product or device similar in nature or use to a product or device described in clause (a).

"e-substance"

means a solid, liquid or gas that, on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine.

"General Manager"

means the General Manager, Parks, Recreation and Culture Department for the City, or designate.

"Liquor"

means liquor as defined in the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, as amended.

"Park"

includes:

- (a) every public park, open space, playground, urban forest (including all driveways, roadways, paths and lanes within a public park, playground or urban forest), beach, boulevard, swimming pool (whether indoor or outdoor), water playground, wading pool, ice arena, community centre, art gallery, museum, arena, exhibition building, cemetery, marina, and all other community recreational or cultural facilities owned or controlled by the City; and
- (b) any real property acquired and held by the City and dedicated and reserved by it for the use, recreation or enjoyment of the public.

"Person"

includes natural persons of either gender, associations, corporations, bodies politic and partnerships, whether acting by themselves or by an agent, employee, or servant and the heirs, executors, administrators, successors and assigns or other legal representatives of such persons.

"Smoke" or "Smoking"

means to inhale, exhale, burn or carry:

- (a) a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco or other weed or substance; or
- (b) an activated e-cigarette.

"Swimming Pool"

includes any swimming pool, whether indoor or outdoor, or any water playground within a park.

"Vehicle"

includes all forms of conveyance for the carriage or transport of persons, passengers, goods or materials, whether drawn by animals or propelled by any mechanical device or other motive power whatsoever, and shall include bicycles, motorcycles, tricycles, rollerblades, skateboards and boats.

Part 2
Grant of Powers

Accept and Hold Property

3. Subject to the restrictions and requirements of the *Community Charter*, the City is hereby authorized and empowered to accept and to hold any real or personal property within the City for pleasure, recreation or community uses of the public.

Powers of General Manager

4. The General Manager shall, in addition to the responsibilities imposed upon him or her pursuant to this By-law, enforce and exercise all duties and powers which relate to any park and are imposed pursuant to any other by-law of the City and shall exercise those powers of collecting monies, rentals and admission fees and charges prescribed in such by-laws.
 - 4.1. Without limiting Section 4 or any other provision in this By-law, the General Manager may:
 - (a) make rules for the administration, management, control and protection of a park and the natural resources in a park;
 - (b) make rules prohibiting or regulating and controlling the time, place and manner in which animals may be permitted in any park;
 - (c) make rules regulating and controlling persons and their activities or use of a park or park facilities including prohibiting or regulating and controlling the actions, activities, conduct and behaviour of any person; and
 - (d) design, construct, modify and post signs in or around a park.

Part 3
Application

Parks

5. Every park, subject to the trusts, dedications and reserves under which the park has been acquired and is being held by the City, shall be subject to the provisions of this By-law and the General Manager shall be responsible for enforcing its provisions.

Additional Facilities

6. The General Manager is hereby authorized and empowered and, subject to the limitations and requirements of the *Community Charter*, to acquire, construct, equip, operate and maintain such additional public recreational, cultural and community facilities within any park. All such additional facilities shall be included in the definition of "park" and shall be subject to all provisions and regulations of this By-law.

Exemption

7. The restrictions of this By-law shall not apply to employees, agents, contractors and volunteers of the City engaged in the performance of their duties.

Part 4
General Regulations

Advertising

8. No person shall deliver, distribute, post, paint or affix any advertisement, promotional material, poster, bill or advertising within a park without the prior written permission of the General Manager.

After Dark

9. No person shall enter, occupy or remain within a park between dusk of one day and dawn of the immediately following day.

Aircraft

10. No person shall land or launch an aircraft within, into or from a park without the prior written permission of the General Manager.

Boats

11. No person shall use any boat, motor boat, sea sled or other contrivance or thing on a pond, lake, stream, creek or any other waterway within a park without the prior written permission of the General Manager or unless otherwise posted.

Construction

12. No person shall erect, construct, place or cause to be erected, constructed or placed, any building, shelter, pavilion or other permanent construction whatsoever any place within a park without the prior written permission of the General Manager.
13. No person shall erect, construct, place or cause to be erected, constructed or placed, any tent, trailer, mobile home, portable shelter, contrivance, device or other construction whatsoever any place within a park without the prior written permission of the General Manager.
14. Any person who receives written permission pursuant to Section 12 or Section 13 shall post a copy of such permission conspicuously at the construction site.

Damage

15. No person shall within a park:
- (a) remove, cut, break, injure or in any way destroy or damage any animal, tree, shrub, plant, turf, sod, or flower;
 - (b) cut or remove any tree, timber or firewood;
 - (c) damage or deface any building, structure, fence, sign, seat, bench or ornament;
 - (d) damage, deface, clutter or block any boulevard, driveway, roadway, path or lane;
 - (e) injure, deface or destroy any notice, sign, rule or regulation posted or affixed to anything by order or permission of the General Manager;
 - (f) climb, walk or sit upon any wall, fence or other structure unless it is designed and intended for such purpose;
 - (g) cross, travel on, use or walk upon any area where signs have been posted forbidding such use; or
 - (h) place, plant, or introduce any plant or animal into a park without the prior written permission of the General Manager.
16. No person shall wilfully or maliciously let off, turn on, or discharge any water so that the water runs to waste and useless out of any reservoir, pond, lake, tap, pipe or other fixture within a park.

Encroachment

17. No person shall encroach upon or partition any lands within a park for his or her own purposes.

Fires and Smoking

18. No person shall make or set a fire within a park without the prior written permission of the General Manager, other than a self-contained barbecue in an area designated and posted for such purpose by the General Manager.

19. No person shall throw or place upon the ground within a park any lighted match, cigar, cigarette or other burning substance.
- 19.1 No person shall smoke within a park except in an area designated and posted for such purpose by the General Manager.

Interference

20. No person shall wilfully or maliciously hinder, deter, or interrupt, or cause to be hindered, deterred or interrupted the General Manager, the employees, agents, contractors or volunteers of the City in the exercise of any of their duties.

Liquor

21. No person shall possess liquor within a park at any time, except where the liquor is possessed pursuant to and in compliance with a license under the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c.267, as amended.

Loitering

22. No person shall loiter or take up temporary abode within a park.

Motorized Toys

23. No person shall fly motorized model aircraft, sail motorized toy boats or drive or propel motorized toy vehicles within a park without the prior written permission of the General Manager unless in an area of a park posted for such purposes.

Nuisance

24. No person shall within a park:
 - (a) behave in a disorderly or offensive manner;
 - (b) molest or injure any other person; or

- (c) interfere with the free use and enjoyment of the park by any other person.

Parachuting

- 25. No person shall parachute or skydive within, into or from a park without the prior written permission of the General Manager.

Regulations

- 26. No person shall violate any rule, regulation, notice, or any order or lawful direction of the General Manager. The General Manager may post precise hours and dates parks will be open to the public and no person shall enter, occupy or remain within a park contrary to those hours and dates.

Sale of Goods

- 27. No person shall sell or expose for sale any refreshments or any article or thing or offer any service for a fee within a park without the prior written permission of the General Manager.

Waste

- 28. No person shall foul or pollute any fountain, lake, stream, pool, well or spring within a park.
- 29. No person shall foul any water within any park and any lake, pool, pond, swimming pool or any other receptacle for water within any park or damage, injure in any way or destroy any of the works, pipes and fittings in connection therewith.
- 30. No person shall deposit any material or debris of any kind within a park without the prior written permission of the General Manager except for normal litter deposited in receptacles designated for such purpose.

31. No person shall remove any material or debris of any kind from a park without the prior written permission of the General Manager.
32. No person shall deposit cremated remains within a park, except in an area designated and posted for such purpose by the General Manager or except as carried out in a City cemetery in accordance with Surrey Cemeteries Regulation By-law, 1993, No. 11840, as amended.

Weapons

33. No person shall carry or discharge any firearm, fireworks, airgun, sling shot, catapult, bows and arrows or other weapon or dangerous toy, or fire or explode any combustible or other explosive material within a park, without the prior written permission of the General Manager.

Wildlife

34. No person shall within a park:
 - (a) fish or angle in any lake or stream without the prior written permission of the General Manager except in an area designated and posted for such purposes by the General Manager;
 - (b) molest, disturb, frighten, injure, trap or snare any bird or animal;
 - (c) feed fish, birds or animals;
 - (d) damage, destroy or disturb nests of birds; or
 - (e) damage, destroy or alter natural area habitats.

Part 5

Playgrounds, Courts and Games

Damage

35. No person shall wilfully, maliciously or carelessly damage or destroy the utility of any court, green, grounds, or lawn, or in any way interfere with or obstruct their free use by those lawfully entitled to their use.

Equipment

36. No person shall play any games on any court, green, grounds or lawn unless wearing appropriate shoes and only with the requisite appliances for such games.

Fees

37. All fees and other charges imposed or designated for the use of any park, court, green, grounds or lawn shall be payable before the commencement of any games unless otherwise specifically arranged for with the General Manager.

Golf

38. No person shall play golf or strike a golf ball within a park other than in an area specifically provided for such purpose.

Hours and Dates of Operation

39. The General Manager may post precise hours and dates playgrounds, tennis courts, lawn bowling areas, or other recreational facilities will be open to the public and no person shall use any facility contrary to those hours and dates.
40. Notwithstanding Section 39, the General Manager may restrict the playing of games on any court, green, grounds or lawn within any park at any time.

Restrictions

41. The General Manager may prescribe rules, regulations, terms and conditions respecting the playing of games within parks and no person shall play any games on any court, green, grounds or lawn except in accordance with those rules, regulations, terms and conditions.

Part 6

Bathing Beaches and Swimming Pools

Applications for Private Rental

42. The General Manager is authorized to receive, review and grant or refuse applications for private rentals for the use of any bathing beach or swimming pool, and may impose terms and conditions on any facility use permit granted for a private rental.

Dress

43. No person shall undress or dress in or adjacent to any bathing beach or swimming pool except in the places specifically provided for that purpose.

Fishing

44. No person shall fish, cast or haul in any net or other fishing contrivance from or adjacent to any bathing beach between May first (1st) and October first (1st) in each year.

Health

45. No person suffering from any contagious or communicable disease shall enter or bathe in any water at any bathing beach or in any swimming pool.

Hours and Dates of Operation

46. The General Manager may advertise precise hours and dates swimming pools will be open to the public and no person shall use a swimming pool contrary to those hours and dates.
47. Notwithstanding Section 46, the General Manager may restrict the use of swimming pools at any time.

Interference

48. No person shall disobey:
 - (a) the lawful command or order of any person having the superintendence, management or control of a bathing beach or swimming pool; or
 - (b) the command of any lifeguard or other person in charge of or superintending any bathing beach or swimming pool.
49. No person shall interfere with, obstruct, impede, hinder or prevent the discharge of the duties of any employee or any attendant, lifeguard or other person engaged in superintending, controlling, instructing or overseeing swimming, bathing or aquatic sports or games at any bathing beach or in any swimming pool.

Litter

50. No person shall litter up, deposit or leave, or cause to be littered up, deposited or left, any matter or thing on any beach within a park or in any adjacent waters.

Nuisance

51. No person shall play ball or any games so as to molest or interfere with or become a nuisance to the general public present at any bathing beach or swimming pool.

52. No person shall loiter or behave in such manner as to be objectionable to other persons or the general public present at or immediately adjacent to any bathing beach or swimming pool.
53. No person shall create any undue disturbance, congregation or alarm that will cause or tend to cause panic, excitement or any hazard, annoyance or interference with other persons or the general public present at or immediately adjacent to any bathing beach or swimming pool.

Part 7

Animals

Dogs

54. No person owning or having custody, care or control of a dog shall allow the dog to be within a park unless the dog is kept on a leash of a maximum length of three (3) metres.
55. Notwithstanding Section 54, the General Manager may designate and post precise locations and hours where a dog may be permitted without a leash within a park. No person owning or having custody, care or control of a dog shall allow the dog to be within a park without a leash contrary to the designated times or outside of the designated areas and where permitted to be off leash, the dog must be under the direct control of a person.
56. The General Manager may designate and post precise locations and dates where dogs are not permitted within a park. No person owning or having custody, care or control of a dog shall allow the dog to be within a park in a designated "no dogs permitted" area.
57. No person owning or having custody, care or control of a dog or any other animal shall allow the dog or other animal to swim or enter into water contained in any reservoir, ocean, lake, pond, swimming pool or other receptacle for water within a park or connected to a park or upon any ice within a park when such water is frozen, except in an area designated and posted by the General Manager for such an activity.

58. No person owning or having custody, care or control of a dog shall allow the dog to deposit excrement within a park unless that person immediately removes the excrement and disposes of it in a sanitary manner.

Horses

59. No person owning or having custody, care or control of a horse shall allow the horse to be upon any beach within a park unless otherwise posted.
60. No person owning or having custody, care or control of a horse shall allow the horse to deposit excrement within a park unless that person immediately removes the excrement and disposes of it in a sanitary manner.
61. No person owning or having custody, care or control of a horse shall allow the horse to be within a park unless the person is in full control of the horse at all times through the use of appropriate equestrian restraint devices.

Other Animals

62. No person owning or having custody, care or control of any animal or fowl shall allow the animal or fowl to run at large within a park or to feed upon any lands within a park without the prior written permission of the General Manager, Parks, Recreation and Culture.
63. No person shall cause or permit any animal to swim in or foul any waters within or adjacent to a park.

Restrictions

64. No person shall ride or drive a horse or other animal within a park except upon a roadway or bridle path designated for horse or animal traffic and in accordance with signs posted by the General Manager, Parks, Recreation and Culture.

Part 8
Vehicles

Parking

65. No person shall park a vehicle within a park other than in a designated area and in accordance with posted signs or as otherwise directed by the General Manager, Parks, Recreation and Culture.

Restrictions

66. No person shall drive or propel or permit to be driven or propelled, any vehicle within a park except upon a driveway, roadway, path, lane or parking area designed for vehicular traffic.
67. No person shall use a vehicle to occupy or travel on any driveway, roadway, path, lane or boulevard within a park where signs have been posted prohibiting such use, occupation or travel.
68. No person shall drive or propel any vehicle within a park in any direction other than in the direction posted and in accordance with the regulations authorized by the General Manager for the respective driveway.
- 68.1 No person shall cycle on a trail or pathway in a manner or at a speed that could cause injury to other persons.

Speed Limit

69. No person shall drive a vehicle within a park at a rate of speed greater than 15 kilometers per hour.

Vehicles for Hire

70. No person shall operate a vehicle for hire within any park for the purpose of taking on or discharging passengers for hire from or to any point within a park without the prior written permission of the General Manager.

Removal

71. In addition to any other penalty provided for in this By-law, any vehicle found within a park in contravention of this By-law is subject to seizure and removal from the park at the expense of the owner or operator of the vehicle.

Exemptions

72. The regulations in this Part 8 shall not apply to:
- (a) invalids' chairs or children's carriages propelled on footwalks provided that they do not interfere with the free use of footwalks by pedestrians;
 - (b) vehicles owned by the City or on behalf of the City; and
 - (c) emergency vehicles as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, as amended.

Part 9

Special Events

Authority to Grant Permits

73. The General Manager is authorized to issue and to grant permits for the use of parks.

Prohibition

74. No person shall hold a procession, march, drill, performance, ceremony, concert, gathering or meeting within a park without a valid permit issued by the General Manager.

Part 10

Permission to Act

Conditions

75. Every person who receives the written permission of the General Manager to act in manner which would otherwise be contrary to the provisions of this By-law shall at all times act in accordance with the conditions imposed by the written permission.

Indemnity

76. Every person who receives the written permission of the General Manager shall indemnify and save harmless the City, and its elected and appointed officials, employees and agents from and against any and all claims, demands, suits or compensation arising, directly or indirectly, from the granting of the permission.

Part 11

Obstructions

Obstructions

77. No person shall use, occupy or travel on any driveway, roadway, path, lane or boulevard within a park in such manner as to obstruct or interfere with its lawful use by any person or traffic.
78. No person shall encumber, obstruct or cause to be encumbered or obstructed in any way any part of a park or any driveway, roadway, path, lane or boulevard within a park without the prior written permission of the General Manager, Parks, Recreation and Culture.

Removal

79. The General Manager, shall have the authority to order the removal, or to remove or cause to be removed, any obstruction or thing placed within a park contrary to the provisions of this By-law.
80. The General Manager is hereby authorized to direct any employee or agent of the City to do every lawful act required to have the obstruction or thing immediately removed from the park.
81. The General Manager shall have the authority to hold and to retain possession of every obstruction or thing until the owner has paid to the City a sum equal to all expenses incurred in the removal and the storage of the obstruction or thing until claimed by the owner.

Part 12

Offences and Penalties

Offences

82. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this By-law shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

Penalties

83. Any person who violates any of the provisions of this By-law shall upon summary conviction, be liable to a penalty of not less than \$200 and not more than \$50,000 plus the cost of the prosecution.

Part 13
General Provisions

Repealment

84. "Surrey Parks and Recreation Facilities Regulation By-law, 1974, No. 4395", as amended, is hereby repealed.

Commencement

85. This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the 6th day of July, 1998.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the corporate seal on the 13th day of July, 1998.

_____ MAYOR

_____ CLERK