

A pilot project to prohibit smoking at playgrounds in City Parks was carried out in 2010. At six playgrounds, notices were posted to inform the public about the smoking ban. The prohibition was carried out under Section 19.1 of the *Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480* (By-law 13480, which reads:

“No person shall smoke a cigar, cigarette or other burning substance within a park where notices prohibiting smoking have been posted by the General Manager.”

The results of the pilot project were provided to the Parks, Recreation and Culture Committee (the Committee) at its meeting on October 20, 2010. The results of pilot project indicated a high public acceptance of a smoking ban at playgrounds in City parks. With support from the Committee, no smoking signs have been and are being placed at playgrounds in the City of Surrey’s park system. Signs have been erected at many key playgrounds in City parks to inform the public about the smoking prohibition.

At its January 19th 2011 meeting, the Parks, Recreation and Culture Committee discussed a plan for banning smoking in all City parks. As a result of that discussion, the Committee adopted a resolution to recommend to Council that the *Parks, Recreation and Cultural Facilities Regulation By-law 13480, 1998* be amended to prohibit smoking generally in parks except in areas designated and posted for such purposes by the General Manager. This recommendation was received and considered by Council at its Regular meeting on January 24th 2011, at which time Council referred the recommendation to staff to bring forward a report on the matter.

The *Parks, Recreation and Cultural Facilities Regulation By-law, 1998, By-law No. 13480* is provided as information in its current form, in Appendix “A”.

DISCUSSION

Powers to Prohibit Smoking

By-law No. 13480 permits the General Manager to post notices banning smoking in any location within any park. Under the by-law, the definition of “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.

Fire Halls and Libraries are not presently included in the definition of “Park” to which By-law No. 13480 applies.

By-law No. 13480 does not give the General Manager the blanket authority to ban smoking in all areas of parks or any other community recreational or cultural facilities without first posting notices.

Posting notices to affect a complete ban would entail erecting hundreds of signs. This would be onerous given the extent of the City's park system, which exceeds a total area of 6,000 acres.

Status of Smoking in Non-City Public Open Spaces

- *National Parks and Federal Protected Areas* – There are no national parks or federal protected areas in Surrey. In national parks elsewhere in BC, the federal government may institute seasonal smoking bans during fire season, and will consider adopting regulations similar to those of neighboring municipalities or regional governments relative to smoking in and around buildings in national parks and federal protected areas.
- *Provincial Parks and Protected Areas* – There are currently three Provincial Parks and Protected Areas in Surrey; these being Peace Arch Park in South Surrey (Class 'A' Provincial Park), Green Timbers Provincial Forest (4.5 Acres near Green Timbers Urban Forest Park) and the Serpentine Fen (Wildlife Management Area). Provincial Parks and Protected areas officials have advised that they do not have regulations relating to general smoking prohibitions but will enact smoking bans during months of summer drought. The smoking bans are not related to human health but rather to reduce the risk of fire.
- *Metro Vancouver Regional District Parks* – Metro Vancouver Parks operates Tynehead Park, Surrey Bend Park and co-manages Mud Bay Park, each of which is located in Surrey. The Regional District does not have any regulations prohibiting smoking in regional parks, but is currently studying this matter.
- *Surrey School District No. 36 Grounds* - Smoking is not permitted on the grounds of schools operated by School District No. 36.

Status of Smoking Regulations in Parks in Other Municipalities

A survey was carried out of 18 local municipalities in the Lower Mainland, plus Victoria, Nanaimo Squamish and Whistler. Four municipalities have adopted a complete ban on smoking in their parks. Four municipalities have created zones within parks where smoking is not permitted within prescribed distances of outdoor athletic facilities. Twelve municipalities do not have any regulations that relate to smoking in their parks. The results of the survey are documented in Appendix 'C'.

Proposed Changes to By-law No. 13480

To implement a smoking prohibition generally within City Parks, Section 19.1 of By-law No. 13480 should be amended to read:

“No person shall smoke a cigar, cigarette or other burning substance within a Park except in an area designated and posted for such purposes by the General Manager.”

This amendment would essentially ban smoking in parks but would allow the General Manager the discretion to establish areas specifically designated for smoking in controlled areas. Examples of such potential future designated smoking areas are:

- a) An area designated for smoking outside the Surrey Arts Centre, greater than 7.5 metres from the entrance doorway, where Arts Centre patrons could smoke during the intermissions of theatre productions; or
- b) Areas at beer gardens within major athletic parks where adult park patrons could smoke during adult-oriented sporting tournaments.

The proposed change would permit the General Manager to consider posting notices on a case-by-case basis in appropriate venues where the effects of the smoking can be controlled. The amendments that are recommended to By-law No. 13480 are documented in Appendix “B” attached to this report.

Communication of the Smoking Prohibition

If Council adopts the recommendations of this report, which will act to implement a smoking prohibition in parks, the public would need to be informed about the ban. The following mechanisms will be utilized for communication of the smoking prohibition:

- City Page advertisements;
- City website; and
- Brochures at civic facilities, park kiosks and public park planning meetings.

Consideration has been given to utilizing transit shelters and electronic message signs, but staff holds the view that these media are not appropriate for regulatory messages.

Parks Division staff and By-law Enforcement officers will also be provided with friendly warning message cards that will be distributed to park patrons found smoking in parks during the first few months after the smoking prohibition comes into effect.

In addition, the City’s standard park regulation signs that are posted at entrances to and at strategic locations within many parks would be amended to include the “No Smoking” message, and all park kiosks would contain messaging about the smoking ban.

Communications regarding the smoking prohibition at recreational and cultural facilities and in parks can be accommodated within existing budget allowances.

Enforcement

The *Municipal Ticket Information Utilization By-law, 1994, No. 12508* (the “MTI By-law”) permits authorized persons to issue tickets for offences against Section 19.1 of By-law No. 13480, where a person has been found smoking in area of a park where smoking is prohibited. The fine for this offence is set at \$200. If By-law No. 13480 is amended, the MTI By-law in its current form would allow for tickets to be written for smoking offences.

The Manager, By-law Enforcement and Licensing, has advised that publicizing the new no-smoking regulations may result in the By-law Enforcement Office receiving many calls from the public reporting people smoking in parks and calling for by-law enforcement action. The Manager has stated that it would not be practical to have officers respond on a case-by-case complaint basis due to the narrow time limit during which people smoke lighted cigarettes; instead, officers who patrol city parks will be watchful for people smoking and will endeavor to

educate those found smoking, rather than to simply fine them. People caught smoking on a repeat basis would be ticketed.

Smoking Reduction Promotion and Partnerships

Prohibiting smoking in public spaces is one tool that can be used to create a smoke free environment. In addition to regulatory strategies, tobacco reduction messaging, educational programs and partnerships with organizations, such as Fraser Health Authority (FHA) and the Canadian Cancer Society can also be effective in reducing smoking in the community.

Tobacco reduction is one of the five priority focus areas for FHA's healthy community partnership initiatives. The City currently works with the FHA on the Mayor's Advisory Committee on Health Care Services and the Surrey Healthy Community Partnership Committee; these Committees will assist in advancing tobacco reduction messaging in Surrey.

The Canadian Cancer Society also supports municipalities with public education campaigns related to smoking. The Society endorses municipal smoking reduction initiatives through media announcements, and provides volunteer assistance with education campaigns at key special events.

The Committees noted above, the Society and the appropriate Parks, Recreation and Culture staff will work with key community organizations to promote smoke free environments and tobacco reduction messaging across the City with a particular focus on children and youth education.

Legal Services staff has reviewed this report and the recommended by-law amendments and has no concerns.

SUSTAINABILITY CONSIDERATIONS

The reduction in smoking achieved through a prohibition on smoking in public parks will assist the City in achieving Goal 3.b of the City Sustainability Charter's Environmental Specific, which reads: *Preserve clean air for current and future generations - air quality issues related to both human and ecosystem health.*

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve amendments to the Parks, Recreation and Cultural Facilities Regulation By-law, 1998 No 13480, as documented in Appendix 'B' of this report that if adopted will act to prohibit smoking in City parks;
- Authorize the City Clerk to bring forward the related amendment By-law for the required readings;
- Instruct the City Clerk to forward a copy of this report and the related Council resolution to the Parks, Recreation and Culture Committee as information; and
- Direct staff to continue to work with the Fraser Health Authority and the Canadian Cancer Society to promote the reduction of tobacco consumption and to promote a smoke free environment in the City of Surrey.

Laurie Cavan
General Manager
Parks, Recreation and Culture

Attachments - Appendix 'A' - Parks, Recreation & Culture Facilities Regulation By-law, 1998, No 13480

Appendix 'B' - Proposed Amendments to Parks, Recreation & Culture Facilities Regulation By-law, 1998, No. 13480

Appendix 'C' - Survey Results Summary

Appendix A

Parks, Recreation and Culture Facilities Regulation Bylaw, 1998 No. 13480

CITY OF SURREY

BY-LAW NO. 13480

Surrey Parks, Recreation and Cultural Facilities Regulation By-law, 1998

As amended by By-law No. 15780, 07/11/2005; 16987, 07/27/09

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.

S

CONTENTS

Part 1 Introductory Provisions

- 1 Title
- 2 Definitions

Part 2 Grant of Powers

- 3 Accept and Hold Property
- 4 Powers of General Manager

Part 3 Application

- 5 Parks
- 6 Additional Facilities
- 7 Exemption

Part 4 General Regulations

- 8 Advertising
- 9 After Dark
- 10 Aircraft
- 11 Boats
- 12 - 14 Construction
- 15 - 16 Damage
- 17 Encroachment
- 18 - 19.1 Fires and Smoking
- 20 Interference
- 21 Liquor
- 22 Loitering
- 23 Motorized Toys
- 24 Nuisance
- 25 Parachuting
- 26 Regulations
- 27 Sale of Goods
- 28 - 32 Waste
- 33 Weapons
- 34 Wildlife

Part 5
Playgrounds, Courts and Games

35	Damage
36	Equipment
37	Fees
38	Golf
39 - 40	Hours and Date of Operation
41	Restrictions

Part 6
Bathing Beaches and Swimming Pools

42	Applications for Private Rental
43	Dress
44	Fishing
45	Health
46 - 47	Hours and Date of Operation
48 - 49	Interference
50	Litter
51 - 53	Nuisance

Part 7
Animals

54 - 58	Dogs
59 - 61	Horses
62 - 63	Other Animals
64	Restrictions

Part 8
Traffic

65	Parking
66 - 68.1	Restrictions
69	Speed Limit
70	Vehicles for Hire
71	Removal
72	Exemptions

Part 9
Special Events

73	Authority to Grant Permits
74	Prohibition

Part 10
Permission to Act

75 Conditions
76 Indemnity

Part 11
Obstructions

77 - 78 Obstructions
79 - 81 Removal

Part 12
Offences and Penalties

82 Offences
83 Penalties

Part 13
General Provisions

84 Repealment
85 Commencement

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.

"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.

"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.

"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 a cigar, cigarette or other burning substance within a park where notices prohibiting smoking have been posted 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 \$50 and not more than \$2,000 plus the

cost of the prosecution, or to a term of imprisonment not exceeding three (3) months, or both.

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

**Proposed Amendments to
Surrey Parks, Recreation and Cultural Facilities
Regulation By-law, 1998, No. 13480, as amended
(the "By-law")**

That the By-law be further amended as follows:

1. By adding a new definition of "Smoke" or "Smoking" to Section 2 immediately following the existing definition of "Person":

"Smoke" or "Smoking"

means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco or other weed or substance.

2. By deleting Section 19.1 in its entirety and replacing it with the following new Section 19.1:

No person shall smoke within a park except in an area designated and posted for such purpose by the General Manager.

Appendix C Summary of Survey Results

SMOKING PROHIBITIONS IN PARKS:

Municipalities that currently have a complete ban on smoking in parks	Coquitlam Port Moody Vancouver White Rock
Municipalities with 'Smoke-Free Zones' within parks.	Delta District of North Vancouver Richmond Whistler
Municipalities that do not regulate smoking in parks.	Abbotsford Burnaby Maple Ridge Township of Langley Nanaimo New Westminster City of North Vancouver Pitt Meadows Port Coquitlam Squamish West Vancouver Victoria