



PARK BY-LAWS

**BOARD OF PARKS
AND RECREATION**

CITY OF VANCOUVER

JANUARY 1, 2008

TABLE OF CONTENTS

Parks Control By-law	3
Schedule 1 - Parks and Areas of Parks Where Dogs are Permitted to be Off-Leash	20
Parks Removal of Animal Manure, Dung, Refuse and Waste By-law	21
Vancouver Charter, Part XXIII, Parks	24

PARKS CONTROL BY-LAW

(With amendments enacted by the Board on June 25, 2007)

A By-law for the Control, Regulation, Protection and Government of Public Parks and of Places within the Jurisdiction of the Board and of Persons who may be therein.

WHEREAS, under and by virtue of the provisions of the Vancouver Charter, being Chapter 55 of the British Columbia Statutes, 1953 (which, with all amendments thereto, is hereinafter referred to as the "Vancouver Charter"), the Board of Parks and Recreation is authorized to pass by-laws from time to time for the control, regulation, protection and government of the parks and persons who may be therein;

AND WHEREAS it is deemed expedient to make certain regulations for the control, regulation, protection and government of the public parks and of places within the jurisdiction of the Board and of persons who may be therein;

THEREFORE the Board of Parks and Recreation of the City of Vancouver, in open meeting, enacts as follows:

This by-law may be cited as the "Parks Control By-law".

INTERPRETATION

1. In this by-law, unless the context otherwise requires, the following expressions shall have the meanings hereinafter assigned to them, that is to say:

(a) "BATHING BEACH" means an area adjacent to the shore of the sea or a lake and normally used for swimming and similar aquatic exercises or for sun bathing.

(b) "BOARD" means and includes the Board of Parks and Recreation of the City of Vancouver as constituted under the provisions of the Vancouver Charter.

(c) "BOULEVARDS" means and includes any portion of any street or highway under its jurisdiction which has been sodded, seeded or otherwise improved and maintained by the Board.

(d) The words "DRIVEWAY", "ROADWAY", "PATH", "TRAIL", or "FIRE TRAIL" mean and include any way or thoroughfare set apart and improved by grading, gravelling or other means for the use of pedestrians, vehicular, emergency vehicular or animal traffic.

(e) "PARKS" means and includes public parks, playgrounds, driveways, roadways, paths, trails, fire trails, boulevards, beaches, bathing beaches, swimming pools, community recreation centres, golf courses, playfields, buildings and other public places under the custody, care, management and jurisdiction of the Board.

(f) "PLACES" means buildings and improvements and includes community recreation centres, rinks, indoor pools, arenas and refreshment buildings.

(g) "PERSON" includes any corporation, society, firm, partnership, association or party.

(h) **"GENERAL MANAGER"** means the General Manager of Parks and Recreation of the Board as duly appointed by the Board or such other employee of the Board as may be nominated by the General Manager.

(i) **"VEHICLE"** includes any device, in, upon or by which any person or property is, or may be, transported or drawn upon a street, irrespective of the motive power, including a horse led or ridden.

(j) **"EMERGENCY VEHICLE"** means any vehicle of the Fire Department of the City or Provincial Police Departments, or any municipal or provincial licensed ambulances and such vehicles of the armed forces or public utilities as are designated as emergency vehicles by the Chief Constable of the City of Vancouver.

(k) **"LITTER"** means garbage, refuse and all other waste material which is the waste product of something purchased within a park or brought into a park for use or consumption within the park.

GENERAL REGULATIONS

2. No person shall cut, break, injure, remove or in any way destroy or damage any rock, soil, tree, shrub, plant, turf or flower, or any building, structure, fence, sign, seat, bench or ornament of any kind or in any way foul or pollute any fountain, lake, stream, pool, pond, well or spring in any park, or injure, deface or destroy any notices, rules or regulations posted or affixed to anything by order or permission of the Board.

3. (a) No person shall climb, walk, or sit upon any wall, fence or other structure, except play apparatus or seating specifically provided for such use, in or upon any park; or cross, travel on or use any grass plot or land where signs have been posted forbidding such use.

(b) No person shall enter or remain in a park except during the hours posted.

4. (a) (i) Except with the permission of the Board, no person shall, in any park, sell, offer to sell, or expose for sale any food, beverage, or article or thing of any kind;
 - (ii) Except with the permission of the Board, no person shall, in any park, provide or offer to provide for a fee any service;
 - (iii) Except with the permission of the Board, granted pursuant to the provisions of section 490 of the Vancouver Charter, no person shall occupy any park or any portion thereof.
- (b) The General Manager, a Peace Officer or any person employed by the Board, may remove or cause to be removed from any park any article or thing as aforementioned contrary to the provisions of this by-law at the expense of the owner, contractor or other person responsible for such article or thing; and the General Manager is hereby empowered to do every lawful act required under the circumstances to have any such article or thing removed in the shortest possible time and to hold any article or thing as above mentioned until the expense of the removal thereof has been paid.
5. 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 or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which violates any of the provisions of this by-law, or who fails to comply with an order, direction, or notice given under this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation is permitted to exist will constitute a separate offence.
6. (a) Every person who commits an offence against this by-law is punishable on conviction by a fine of not less than \$50.00 and not more than \$2,000.00 for each offence.

(b) Every person who commits an offence of a continuing nature against this by-law is liable to a fine not exceeding \$50.00 for each day such offence is continued.

7. No person shall play at any game whatsoever in or on any portion of any park except upon or in such portions thereof as may be especially allotted, designed and provided, respectively, for any purpose, and under such rules and regulations and at such times as shall be prescribed by the Board, and without limiting the generality of the foregoing, no person shall:

- (a) play golf or strike a golf ball;**
- (b) fly any motor-driven model airplane;**
- (c) shoot any arrow or practice archery;**
- (d) take part in any ball game;**
- (e) use a skateboard, roller skates, ice skates or any similar device;**

except in areas designated or permitted for such activities.

8. (a) No person shall take part in any procession, drill, march, performance, ceremony, concert, gathering or meeting in or on any park or driveway unless with the written permission of the General Manager first had and obtained.

(b) No person shall make a public address or demonstration or do any other thing likely to cause a public gathering or attract public attention in any park without the written permission of the General Manager first had and obtained.

(c) No person shall operate any amplifying system or loud speaker in any park without the written permission of the General Manager first had and obtained.

(d) No person shall use, carry or possess a surfboard,

windsurfer, canoe or boat in a park or on a beach save in such areas as designated by the General Manager.

(e) No person shall, for gain or in the expectation of a fee, reward or other benefits, instruct or offer to instruct another person in the use, enjoyment, or operation of a surfboard, windsurfer, canoe or boat in a park or on a beach save with the prior written consent of the General Manager.

(f) No person shall operate or possess a chain saw on any beach or in any park and no person shall cut logs or wood on a beach or in a park and no person shall remove any logs or wood from a beach or park; provided that persons may operate chain saws on, cut logs on, and remove cut logs for their personal use from areas of beaches as are from time to time designated in writing by the General Manager and at such times and on such conditions as stipulated by the General Manager which conditions shall and must include the assumption by such persons of all risk of harm and injury arising from or in any way associated with the operation of chain saws and the cutting and removal of logs by whomsoever.

(g) No person shall sing, play a musical instrument, or otherwise perform or provide entertainment in any area of a park which has been designated by the General Manager as an area in which entertainment is not allowed.

9. (a) No person as owner or having the control of any animal or fowl shall suffer or permit such animal or fowl to run at large or feed upon any park except that a dog which is in the custody of a competent person is permitted:

(i) any area, except where the General Manager has posted the notice referred to in subsection (aa) if it is on a leash not exceeding 2 and 2 metres in length; and

(ii) to be off a leash in an area designated in Schedule 1 of this By-law within the time limits established by the General Manager and posted within the area.

(aa) Despite subsection (a) the General Manager may post areas where dogs or other animals are prohibited, including limitations in time.

(b) Any dog, fowl or other animal found in any park, beach or bathing beach in contravention of this by-law may be impounded and shall then be subject to the provisions of the Animal Control By-law. The owner or other person having custody of such animal or fowl who suffers or permits the same to run at large or feed in or on any such park or driveway shall be deemed to be guilty of an infraction of this by-law and shall be liable to the penalties hereinafter imposed.

(c) Except as permitted by subsection (a) and notwithstanding any of the provisions of subsection (b) above, all dogs are prohibited from bathing beaches and other areas posted by the General Manager, and the provisions of the Pound By-law with reference to impoundment contained in subsection (b) above shall apply *mutatis mutandis*.

(d) No person shall operate a horse-drawn vehicle within any park without first obtaining approval therefor from the Board.

(e) No person shall bring into any park or keep or otherwise maintain in any park any aquatic mammal of the Cetacean order including, but not limited to, baleen whales, narwhals, dolphins, porpoises, killer whales and beluga whales, which has been captured or otherwise taken from its natural wild habitat, except that this prohibition shall not apply to:

(i) captive cetaceans caught from the wild prior to September 16, 1996 and cetaceans born into captivity at any time;

(ii) cetaceans which are already being kept or maintained in a park as of September 16, 1996;

(iii) a member of an endangered Cetacean species, provided that approval for bringing it into a park has first been obtained from the Park Board; and

(iv) an animal that has been injured or is otherwise in distress, and in need of assistance to survive or rehabilitation, whether or not the intention is to release it back into its natural wild habitat.

10. No person shall conduct himself or herself in a disorderly or offensive manner, or molest or injure any other person, or loiter or take up a temporary abode overnight in any place on any portion of any park, or obstruct the free use and enjoyment of any park or place by any other person, or violate any by-law, rule, regulation, notice or command of the Board, the General Manager, Peace Officer, or any other person in control of or maintaining, superintending, or supervising any park of or under the custody, control and management of the Board; and any person conducting himself or herself as aforesaid may be removed or otherwise dealt with as in this by-law provided.

11. No person shall erect, construct or build or cause to be erected, constructed or built in or on any park any tent, building, shelter, pavilion or other construction whatsoever without the permission of the General Manager.

12. No person shall use, occupy or travel along or upon any park, flower bed, roadway or other park property in such manner as to obstruct or cause an obstruction with a vehicle or any other object, or to interfere with any person or traffic lawfully using the same; or encumber or obstruct, or cause to be encumbered or obstructed in any manner whatsoever, any park, flower bed, roadway or other park property without the permission of the General Manager first had and obtained; and any person receiving any such permission shall at all times be subject to the conditions thereby imposed, and save harmless and protect the Board from and against any and all claims, demands, suits or compensation of whatsoever kind arising either directly or indirectly out of the permission thereby granted, and shall likewise be subject to such further conditions, regulations and orders as may be imposed by the Board in the premises. Any vehicle so causing an obstruction may be impounded and thereafter the provisions of the Impounding By-law shall apply *mutatis mutandis*, provided however, that any person receiving permission of the General Manager first had and obtained shall not be subject to impoundment under this section.

13. The Board or the General Manager or any person employed by them or him, may remove or cause to be removed from any park, flower bed or roadway, any obstruction, vehicle or thing placed therein or thereon contrary to the provisions of this by-law, at the expense of the owner, contractor or other person responsible for such obstruction; and the General Manager is hereby empowered to do every lawful act required under the circumstances to have any such obstruction removed in the shortest possible time and to hold any article or thing causing such obstruction until the expense of the removal thereof has been paid.

14. No person shall, without permission of the General Manager first had and obtained:

(a) hinder or interrupt, or cause to be hindered or interrupted, the Board, General Manager, or any engineer, surveyor, manager, contractor, servant or worker employed by or responsible to the Board in the exercise of any of the powers and authorities vested in the Board by authority of the Vancouver Charter or in this by-law authorized and contained;

(b) let off or discharge any water so that the same runs waste and useless from or out of any reservoir, pond, pool, lake, stream or hydrant connected with any park;

(c) except as permitted by section 9 (a) cause or permit any dog or other animal to enter into the water of a reservoir, pond, pool, lake, stream or a water receptacle associated with a park;

(d) post, paint, affix, distribute or deliver any advertisement, handbill, poster or advertising card of any kind in any park;

(e) permit any horse to walk or run over any grass area, flower bed, footpath or other location in any park with the exception of bridle trails specifically provided therefor;

(f) drive any vehicle over any grass area or flower bed in any park;

(g) drive any vehicle on any footpath or promenade in any park;

(h) ride any bicycle upon any sidewalk, footpath or promenade in any park unless such sidewalk, footpath or promenade has been so designated as a cycle path and specifically provided therefor, and in this respect the provisions of the Street and Traffic By-law shall apply *mutatis mutandis*:

(i) break any glass bottle or container on or in any park or

beach;

(j) light a fire or place fuel on a fire in or on any park or beach;

(k) park a vehicle or suffer a vehicle to be parked in any portion of a park not being a street:

(i) for a period not longer than thirty (30) minutes between the hours of 10:00 p.m. and 6:00 a.m. on the following day; or

(ii) in contravention of a sign setting forth parking restriction or limitations; and the General Manager or any Peace Officer may cause any such vehicle to be removed, at the owner's cost, by any towing company operating in the City of Vancouver, and such towing company shall, as agent for the Board of Parks and Recreation, charge the owner reasonable charges only for effecting the removal and for storage until claimed.

(l) deposit food or grain on any area in a park except in litter cans provided by the Board for the purpose of receiving garbage and litter;

(m) in any area of a park where litter containers are not provided, all litter shall be removed from the park by the persons responsible for its presence.

14A. Except for litter which is deposited in compliance with section 14B, no person shall deposit any garbage, refuse or other waste material in a park.

14B. No person shall deposit litter in a park except in litter containers provided, maintained or authorized by the Board.

14C. In any area of a park where litter containers are not provided, all litter shall be removed from the park by the person responsible for its presence.

14D. No person shall discharge, throw or deposit any injurious, noxious or offensive thing or matter into a reservoir pond, pool, lake, stream or other water receptacle connected with a park, or on to the beach of a park, or on to the ice of a reservoir, pond, pool, lake stream or other receptacle for water where the water is frozen, or in any other way foul the water, or commit any unlawful damage or injury to the works, pipes or water, or encourage any other person to do the same.

RECREATIONAL FACILITIES

15. All fees and other charges imposed or designated for the use of any park or any part thereof including but not limited to any community recreational facility, court, green, grounds, lawn, golf course, pitch and putt facility or putting green shall be payable and paid before the commencement of any game, unless otherwise specifically arranged for with the General Manager, and any person failing to do so shall be deemed to be guilty of an infraction of this by-law and any such person as aforesaid may be removed by a Peace Officer or other person authorized to do so, and shall be liable to the penalties hereinafter imposed. The provisions of the Offence Act of the Province of British Columbia shall apply *mutatis mutandis* hereto.

16. No person shall play any game or sport in or on any park or recreational facility unless suitably clad and equipped with the requisite appliances for such games, and only at such times, or during the seasons and under such rules and regulations as shall be prescribed by the General Manager.

17. Where any park or recreational facility shall be allotted to any club or organization, the same shall not be used by any person or persons unless he or she be a member of such club or organization, during such time as the same may be so allotted, except when tournaments, series of games or competitions with outside bodies have been duly authorized by the General Manager.

18. No person shall wilfully, maliciously or carelessly damage or destroy the utility of any public recreational facility, court, green, grounds or lawn, golf course, pitch and putt facility, putting green or skateboard park or in any way interfere with or obstruct the free uses thereof by those lawfully entitled to the use of same.

19. No tournament, series of games or competition shall be played in any park or on any court, green, grounds, lawn, golf course, pitch and putt facility or putting green by any person, group of persons, organization or club without the written permission of the General Manager.

BATHING BEACHES AND SWIMMING POOLS

20. All fees and other charges imposed or designated for the use of any swimming pool shall be payable and paid before the commencement of any use of the pool unless otherwise specifically arranged for with the General Manager and any person failing to do so shall be deemed to be guilty of an infraction of this by-law and any such person as aforesaid may be removed by a Peace Officer or other person authorized to do so, and shall be liable to the penalties hereinafter imposed.

The provisions of the Offence Act of the Province of British Columbia shall apply *mutatis mutandis* hereto.

21. No person shall enter or bathe in any water in or adjoining any park, bathing beach, swimming pool or wading pool without being properly clothed for bathing, or where such person is suffering from any contagious or communicable disease or from open sores. No person shall disobey any command or order of any person having the superintendence, management or control of any such park, bathing beach, swimming or wading pool, or the command or order of any lifeguard or other person in charge of or superintending any bathing beach, swimming or wading pool, and no person shall encourage or permit the swimming of any animal, except as permitted by section 9 (a) or the fouling of any waters therein or immediately adjacent thereto; and any person contravening any rule and regulation applicable thereto authorized by the Board shall be deemed to be guilty of an infraction of this by-law.

22. No person shall:

(a) undress or dress in or adjacent to any park, bathing beach or swimming pool except in the places specially provided for such purpose;

(b) be allowed use of any park, beach, swimming pool or bath house if nude or improperly clad;

(c) play ball or any game so as to molest or interfere with or become a nuisance to the general public on any bathing beach or lawn area in the vicinity thereof where the playing of games or sports is prohibited;

(d) loiter in any bathhouse, or conduct themselves in such manner as to be objectionable to other patrons or the public in or immediately adjacent to any such bathhouse or bathing beach;

(e) use any boat, motor-boat, sea sled, water skis, power saw, or other contrivance or thing near to any bathing beach that does or may endanger, disturb or otherwise interfere with the free use of the water for bathing and swimming purposes;

(f) fish from or adjacent to any bathing beach so posted as

prohibited, or cast or haul in any net or other fishing contrivance therein or therefrom; and any person so doing shall be deemed to be guilty of an infraction of this by-law and subject to the penalties provided for herein. Any such person or persons may be removed from the beach by a Peace Officer or other person so authorized by the Board and dealt with as in this by-law provided;

(g) interfere with, obstruct, impede, hinder or prevent the discharge of the duties of any attendant, lifeguard or other person engaged in superintending, controlling, instructing or overseeing swimming, bathing or aquatic sports or games at or in any swimming tank or pool or on any bathing beach under his or her supervision or control;

(h) create any undue disturbance, congregation or alarm that will cause or tend to cause panic, excitement, or any hazard, annoyance or interference with swimmers and bathers, in or on any bathing beach, swimming or wading pool, or adjacent hereto;

(i) except as permitted by section 9(a) bring to any bathing beach or the water adjacent thereto, any dog, or be accompanied by or harbour a dog on any bathing beach or in or on any waters adjacent thereto;

(j) bring to any bathing beach or the water adjacent thereto, any underwater spear, shooting device, or other object or use any floating object which, in the opinion of the lifeguard or attendant, is considered unsafe or hazardous;

(k) swim or otherwise utilize the water at any bathing beach or in any swimming or wading pool between the hours of 10:00 p.m. and 5:00 a.m.;

(l) in any portion of a park designated as a "quiet area" and posted as such, operate a radio, tape player, or other device capable of transmitting live or recorded sound, unless the sound is transmitted directly to a person's ears through the use of headphones.

23. No male person shall enter any portion of any bath house set apart for the use of female persons, and no female person shall enter any portion of any bath house set apart for the use of male persons.

MISCELLANEOUS PROVISIONS

24. The General Manager shall post areas within all parks and recreational facilities for the purpose of prohibiting, restricting or regulating any activity within the area posted and shall have the right to enforce all sections of this by-law herein.

25. 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 or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which violates any of the provisions of this by-law, or who fails to comply with an order, direction, or notice given under this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation is permitted to exist will constitute a separate offence.

26. (a) Every person who commits an offence against this by-law is punishable on conviction by a fine of not less than \$50.00 and not more than \$2,000.00 for each offence.

(b) Every person who commits an offence of a continuing nature against this by-law is liable to a fine not exceeding \$50.00 for each day such offence is continued.

27. It is the intention of the Board that each separate provision of this by-law shall be deemed independent of all other provisions herein and it is further the intention of the Board that if any provision of this by-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

28. This by-law shall come into force and take effect on the date of the final passing hereof by the Board of Parks and Recreation, and shall from such date have the force and effect as provided under the provisions of the Vancouver Charter where not inconsistent with the provisions of such Act, or any by-law of the City of Vancouver, or any law of the Province or of Canada.

29. The by-law passed by the Board of Parks and Recreation on the 14th day of May 1962, with amendments, is hereby repealed.

DONE AND PASSED by the Board of Parks and Recreation, this 25th day of June, 2007.

**(Susan J. Mundick)
General Manager
Board of Parks and Recreation**

**(Ian Robertson)
Chair
Board of Parks and Recreation**

**PARKS AND AREAS OF PARKS WHERE DOGS
SCHEDULE 1**

**PARKS AND AREAS OF PARKS WHERE DOGS
ARE PERMITTED TO BE OFF LEASH**

Stanley District

Charleson Park
Coopers' Park
Nelson Park
Stanley Park Shuffleboard Court

Portside Park
Sunset Beach (bay behind
the Aquatic Centre)

Vancouver East District

Dusty Greenwell Park
Falaise Park
Fraserview Golf Course Perimeter Pathway
John Hendry Park (Trout Lake north side)
Jones Park
Killarney Park

Kingcrest Park
Sparwood Park
Strathcona Park
Sunrise Park
Tecumseh Park
New Brighton Park

Queen Elizabeth District

Balaclava Park
Fraser River Park
George Park
Locarno Park Extension
(1block south of beach between
Trimble and Sasamat Streets)
Musqueam Park
Nat Bailey Stadium (south
to the racquet club)

Queen Elizabeth Park
Quilchena Embankment
Spanish Bank (west of concession)
Sunset Park
Valdez Park
Vanier Park (west of Maritime
Museum parking lot)
37th & Oak Park

**PARKS REMOVAL OF ANIMAL MANURE, DUNG,
REFUSE AND WASTE BY-LAW**

(Consolidated for convenience only to October 24, 1988)

A By-law for the control, regulation and protection of public parks and places within the jurisdiction of the Board and of owners of dogs whose dogs may be thereon.

WHEREAS under and by virtue of the provisions of the Vancouver Charter, 1953 (which, with all amendments thereto, is hereinafter referred to as the "Vancouver Charter"), the Board is authorized to pass by-laws from time to time for the control, regulation, protection and government of the parks, and of places within the jurisdiction of the Board, and of persons who may be therein, and, or, who are the owners of animals who may be therein;

THEREFORE, THE BOARD OF PARKS AND RECREATION OF THE CITY OF VANCOUVER in open meeting, enacts as follows:

- 1. This By-law may be cited as the "Parks Removal of Animal Manure, Dung, Refuse and Waste By-law".**
- 2. In this By-law, unless the context otherwise requires, the following expressions shall have the meanings hereinafter assigned to them, that is to say:**

(a) "Board" means and includes the Board of Parks and Recreation of the City of Vancouver as constituted under the provisions of the Vancouver Charter;

(b) "Parks" means and includes public parks, playgrounds, driveways, roadways, paths, trails, fire trails, boulevards, beaches, bathing beaches, swimming pools, community recreation centres, golf courses, playfields, buildings and other public places under the custody, care, management and jurisdiction of the Board;

(c) "Places" means buildings and improvements and includes community recreation centres, rinks, indoor pools, arenas and refreshment buildings;

(d) "General Manager" means the General Manager of Parks and Recreation of the Board as duly appointed by the Board or such other employee of the Board as may be nominated by the General Manager.

3. An owner or any other person who has care, custody or control of a dog in any public park or places within the jurisdiction of the Board, which dog defecates upon such park or places aforementioned, shall remove forthwith any defecated matter deposited, provided however that the provision of this section shall not apply to any person who is certified as being legally blind, or any park or places specifically exempted by the Board.

4. The General Manager shall have the right to enforce all sections of this By-law herein.

5. Violation of By-law. Every person who offends against any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who does any act or thing which violates any of the provisions of this By-law, shall be deemed to be guilty of an offence against this By-law and shall be liable to the penalties hereby imposed.

6. Penalty Clause. Every person who commits an offence against this By-law is liable to a fine and penalty not exceeding \$500.00 and not less than \$50.00 for each offence, or in the alternative, to imprisonment for any period not exceeding two months.

7. It is the intention of the Board that each separate provision of this By-law shall be deemed independent of all other provisions herein, and it is further the intention of the Board that if any provision of this By-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

8. This By-law shall come into force and take effect on the date of the final passing hereof by the Board of Parks and Recreation, and shall from such date have the force and effect as provided under the provisions of the Vancouver Charter where not inconsistent with the provisions of such Act, or any By-law of the City of Vancouver, or any law of the Province or of Canada.

DONE AND PASSED by the Board of Parks and Recreation, this 3rd day of December 1979.

**(Vic Kondrosky)
General Manager
Board of Parks and Recreation**

**(George Wainborn)
Chairman
Board of Parks and Recreation**

EXCERPTS FROM THE VANCOUVER CHARTER

PART XXIII

PARKS

Park Board Established

485. A board of commissioners, to be known as the "Board of Parks and Recreation" or "Park Board", shall be elected as hereinafter provided, and shall consist of seven members or such other number as the Council may by by-law prescribe. The Board has the legal capacity to exercise the powers bestowed on it and to enforce those powers and the exercise thereof by actions, proceeding or prosecution.

How Elected

486. The members of the Board shall be nominated and elected at the same time and in the same manner as the Councillors, and shall service for such terms as the Council may by by-law provide. The provisions of Part II relating to Councillors shall, *mutatis mutandis*, apply to members of the Board and candidates therefor. The members of the Board shall be sworn in with the like oath and in the like manner as Councillors.

How Vacancies are Dealt with

487. In the event of a vacancy on the Board, a new election to choose a successor for the balance of the term need not be held unless the Council so directs, in which case the provisions of section 128 shall, *mutatis mutandis*, apply.

Parks in Care of Board

488. (1) The Board shall have exclusive possession of, and exclusive jurisdiction and control of all areas designated as permanent public parks of the City in a manner prescribed in subsection (5) of this section, and such areas shall remain as permanent public parks, and possession, jurisdiction and control of such areas shall be retained by the Board; provided that such designation may be revoked or cancelled in accordance with the provisions of any agreement creating such designation pursuant to paragraphs (c) and (d) of subsection (5) of this section or, in the case of a designation, pursuant to paragraph (a) or (f) of subsection (5) of this section, by resolutions of both City Council and the Park Board where, in each case, the same was passed by an affirmative vote of not less than 2/3 of all the members thereof.

(2) The Board shall have exclusive possession of, and exclusive jurisdiction and control of all areas of the City that are designated by resolution of Council as temporary public parks. Resolutions designating areas as temporary public parks shall not be revoked except by a resolution of Council requiring the affirmative vote of not less than 2/3 of all members of Council.

(3) The Board shall have the custody, care and management to the extent prescribed by Council of such other areas belonging to or held by the City as Council may from time to time determine.

(4) The areas referred to in subsections (1), (2) and (3) of this section are referred to in this Part as "the parks".

(5) Real property is designated as a permanent public park by:

(a) a declaration as such by a resolution or by-law of Council;

(b) statutory appropriation of specific real property for park purposes;

(c) dedication by either a person or by the City by deposit of a subdivision plan in the Vancouver Land Registry Office;

(d) gift to the City for permanent public park purpose;

(e) covenant in a document transferring real property to the City indicating that the transferred lands are to be used for park purposes together with acceptance of same by the City;

(f) purchases made with funds approved by a plebiscite for the acquisition of permanent public parks borrowed pursuant to Part V.

(6) Subject to the provisions of section 490, possession of, and exclusive jurisdiction and control of real property includes the authority to determine how much real property shall be used, what fees or rental charges shall be levied and, subject to sections 492 and 493, what improvements shall be made thereon, including the removal or demolition of any existing improvements.

(7) Exclusive jurisdiction and control of parks and the property comprising them also includes the power to prohibit the selling of anything, and the provision of services or performances of any type without the permission of the Board. In granting permission, the Board may impose such terms and conditions as it deems appropriate.

Powers of Board

489. The Board shall have power to provide for

As to Buildings, etc.:

(a) Constructing, acquiring, maintaining, equipping, operating, supervising, and controlling such buildings, structures, and facilities as may be required for the recreation, comfort, and enjoyment of the public while within the parks;

Sports and Games

(b) Accommodation for sports and games, and spectators thereof, and setting aside and reserving portions of the parks for specified kinds of sports and games;

Entertainment

(c) Entertainment through musical, theatrical, and other activities in the parks, and making a charge for admission thereto;

Admittance Fees

(d) Charging and collecting fees for admission to any building or place in the parks set aside for sports or games, whether by spectators or participants;

Closure of Parks

(e) Closing to the free use of the public the whole or any part of any of the parks, or the whole or any part of any building therein, at such times and for such periods as may be deemed advisable; and charging and collecting a fee for admission to the parks or buildings, or parts thereof, during such periods; and providing penalties for unauthorized entry during such periods;

Playgrounds

(f) Establishing, equipping, supervising, controlling, and maintaining playgrounds for children in any of the parks;

Equipment

(g) Acquiring the necessary furniture and equipment for the buildings and activities carried on in the parks;

Bathing Accommodation

(h) Accommodation, recreation, supervision, control, and safety of persons using such parts of the parks as are designated for public bathing, and fixing and collecting fees therefor;

Swimming Pools

(i) Establishing, maintaining, and operating indoor and outdoor swimming baths and pools in the parks, and fixing and collecting fees for the use thereof;

Bicycles

(j) Acquiring bicycles and similar vehicles for the use of the public, and maintaining places in the parks where persons may rent them;

Boats

(k) Establishing, maintaining, operating, and equipping landing and other places in the parks where persons may rent boats and other watercraft or accommodation therein, and acquiring and operating such boats and watercraft;

Sale of Commodities

(l) Establishing, maintaining, and operating stands and places for the preparation and sale of foods, confections, beverages, and other refreshments, and for the provision of services and the sale of tobacco products, as well as souvenirs, curios, postcards, magazines, and the like, to the public in any of the parks;

Animals, etc., May be Kept

(m) Establishing, maintaining, and operating in any of the parks places for the confinement, exhibition, and accommodation of animals, fish, birds, reptiles, and other creatures which may be objects of interest to the public, and making a charge therefor;

Areas Set Apart for Bathing, etc.

(n) Designated areas in the parks or elsewhere in which persons may bathe, swim or engage in water sports in public, and prohibiting them from so doing in areas not so designated, and regulating the dress of persons while bathing, swimming, or engaged in water sports and while going to and from such areas;

And for Skating, etc.

(o) Designating areas in the parks where persons may skate, ski or sleigh, and for the supervision and control of persons engaged in such activities;

Council May Add to Powers

(p) Doing such other things with respect to any of the parks as the Council shall from time to time authorize;

Implementing Powers

(q) Doing such things in furtherance of any of the above powers as shall be deemed expedient;

(r) Organizing and conducting, and contracting with others to organize and conduct, recreational programs of all kinds, either in parks or in such other locations as may be approved by the Board or any of its employees designated for this purpose, and for fixing and collecting fees for such programs.

Power of Board to Perform Works

489A. The Council may authorize the Board, and the Board when so authorized shall have power to perform any works and provide any services with respect to real property not within the parks for any non-profit or charitable institution in any case where the Council deems such works or services to be to the general advantage of the city that such institution is performing a work or service for the public benefit, and the city may enter into an agreement with such institution for the performance of such works or provision of such services if Council deems it expedient.

489B.(1) Council may from time to time by by-law authorize the payment of an annual indemnity to each member of the Board.

(2) A by-law passed under subsection (1) may provide that a portion of the annual indemnity to be paid to a member of the Board shall be paid as an allowance for expenses incidental to the discharge of the duties of his office.

Board's Power of Leasing, etc.

490. (1) Subject to sections 492 and 493, the Board, in the name of the City, may by lease, licence, or any other agreement, permit any person to occupy any building or place or any part thereof in a permanent public park, on such terms as to remuneration or otherwise as to the Board may seem expedient. Such agreements shall contain a provision providing for the termination thereof if such park ceases to be a permanent public park pursuant to the provision of subsection (1) of section 488.

(2) Subject to the provisions of sections 492 and 493, the Council may delegate to the Board power, in the name of the City, to enter into agreements permitting any person to occupy any building or place in a temporary public park or any part thereof on such terms as to remuneration and otherwise as the Board may deem expedient.

(3) Any agreement made pursuant to this section shall be

executed in the manner specified by the Board.

Board's Power to Make By-laws

491. In the exercise of any of its powers, the Board may from time to time pass, amend, and repeal by-laws (not inconsistent with any by-law passed by the City Council) to be observed in the parks, or any of them, for the control, regulation, protection, and government of the parks and of persons who may be therein, including

Excluding Animals, etc.

(a) The exclusion from any of the parks, or any part thereof, of any animal or vehicle;

Controlling Assemblies

(b) The assembling or gathering of persons in any of the parks, and if deemed necessary, the prohibition of such assemblies or gatherings;

Regulating Signs

(c) The regulation of advertising or signs of any kind in any of the parks;

Mischief May Be forbidden

(d) Prohibiting persons from damaging trees, shrubs, flowers, or other growing things, or fences or other property, in the parks; and from depositing rubbish, bottles, paper, or other discarded materials in the parks;

Procedure at Board Meetings

(e) The procedure and conduct of the meetings of the Board and the selection of a Chair thereof;

(f) The delegation to the General Manager, or such other person as may be named, or any or all of the powers set forth in clauses (a), (b), (c) and (d) hereof.

Board's Estimates to be Submitted Each Year

492. The Board shall, at the beginning of each year, cause to be prepared and submitted to the Council a detailed estimate of the receipts from every source, and of the expenditures of the Board of every kind, during that year, showing the amount estimated to be necessary for the purposes of the Board up to the thirty-first day of December next thereafter. The said estimate shall be considered by the Council and adopted in whole or in part.

Adopted Estimates Not to be Exceeded

493. (1) Save by resolution of the Council, the Board shall not authorize or make any expenditures except those provided for in the estimate as adopted by the Council.

(2) The Board may, for periods of not more than twelve months at a time, give authorization in advance to the General Manager to draw warrants for payment prior to approval of the Board, but every warrant for a payment so authorized in advance shall be reported in writing by the General Manager to the Board within fifteen days after the end of the month in which the warrant is drawn.

Enforcement of By-laws

494. The provisions of section 151 shall, *mutatis mutandis*, apply to the Board, and with respect to any by-law passed under this Part the provisions of section 333 shall, *mutatis mutandis*, apply.

Special Meetings of the Board

495. The Chairman may and, upon the written requisition of any two members, shall call a special meeting of the Board to deal with any meeting of which notice is given specifying the purpose of the meeting. Except by the unanimous consent of all the members, at least forty-eight hours' notice of a special meeting shall be given.

Certain Employees to Have Special Powers

496. Every warden, lifeguard, patrolman, or watchman employed in the parks by the Board shall, while in the performance of his duties within the parks, be *ex officio* possessed of all the powers and authority of a police constable.

Power to Make Agreements With Other Municipalities

497. The Council may enter into agreements on behalf of the City with neighbouring municipalities for the joint acquisition, regulation, management, maintenance, improvement and control of any public park, beach, pleasure-ground, or recreation-ground, and may grant or expend money for the upkeep, maintenance, improvement, or management of any such public park, beach, pleasure-ground, or recreation-ground, notwithstanding that the same may not be in the city.

Board's Jurisdiction Outside City

497A. Notwithstanding anything contained in any other Act, the jurisdiction and powers of the Board of Parks and Recreation and of every warden, lifeguard, patrolman, or watchman employed by the Park Board shall extend to and be as valid and effectual within the boundaries of the public parks of the city and such other areas as are in the custody, care, and management of the Board, situate outside the boundaries of the city, as if such parks and other areas were situated within the city; provided that nothing herein contained shall be deemed to affect the exercise within the boundary of any such parks and other areas by any other authority, officer, or constable of any jurisdiction or power under any other Act.