

# VILLAGE OF SAYWARD

## BYLAW NO. 421

### PARKS CONTROL BYLAW

**WHEREAS** it is desirable to establish rules and regulations for the control of parks within the Village of Sayward;

**AND WHEREAS** certain parcels of land within the Village are reserved for park purposes for the use and enjoyment of the public;

**NOW THEREFORE** the Council of the Village of Sayward enacts as follows:

#### Repeal

1.1 That Parks Control Bylaw No. 211, 1990 is hereby repealed in its entirety.

#### Citation

2.1 This Bylaw may be cited as "**Parks Control Bylaw No. 421, 2018**".

#### Interpretation

3.1 In this Bylaw:

"Park" means property owned and operated by the Village for the pleasure and recreation of the public.

#### Regulations

4.1 No person while in a Park shall:

- (a) destroy, cut, mark, break, dig, pull-up, burn or in any other way damage, injure, remove or deface:
  - (i) any tree, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood;
  - (ii) any monument, fountain, bridge, fence, wall, gate, roadway, pavement, parking area, sidewalk, walk or other erection or improvements;
  - (iii) any building or other structure; or
  - (iv) any swing, slide, playground apparatus, table, seat, bench, sign, bleacher or other fixture, equipment or personal property or ornament or utility placed, erected or maintained in the Park;
- (b) permit any dogs or other animals, owned or harboured by a person, to enter any stream, pool or lake;
- (c) deposit bottles, broken glass, paper, cardboard or empty cartons or other rubbish, trash or garbage other than into a refuse receptacle provided for such purposes;
- (d) deposit any household waste or trade waste whatsoever;
- (e) drive, park or stand any vehicle other than on roads, lanes or parking lots which have been designated and indicated for such use;
- (f) ride, lead or herd horses or other animals of any kind, other than on trails, roads or lanes which have been designated and indicated for such use;

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- (g) launch a boat, sailboat, jet ski or other motorized water vehicle other than from sites which have been designated and indicated for such use;
- (h) hit, propel, throw or direct an object in such a manner as to constitute a dangerous use of a Park including, but not limited to the generality of the foregoing, the hitting of golf balls, shooting of arrows, or launching of model rockets and airplanes;
- (i) No person while in a Park shall:
  - participate in baseball, softball, football, rugby, fastball and frisbee other than in accordance with the accepted rules for such activities and not in a manner intended to injure persons or cause damage to property; and
- (j) without prior written permission from the Chief Administrative Officer, place, dump or leave any foreign material of any nature whatsoever, including, but not limited to, sand, gravel or earth fill, in or upon or about any Park; or
- (k) without prior written permission from the Chief Administrative Officer, require proof of acceptable insurance as a condition of such permission:
  - (i) operate any amplifying system or loud speaker;
  - (ii) camp overnight; or
  - (iii) enjoy the exclusive right to the use of all, or any portion, of the Park.

#### 4.2. No person while in a Park shall:

- (a) take part in any procession, march, parade, drill, performance, ceremony, concert or festival;
- (b) carry on any commercial activity including, but not limited to the generality of the foregoing, offer for sale for profit any article of food, drink including alcohol, or merchandise.  
without a permit.

#### 4.3 Every applicant requesting a Permit shall provide the following information to the Chief Administrative Officer in accordance with the application form attached to this Bylaw as Schedule "A":

- (a) the applicant's name, address, telephone number, and principal contact;
- (b) the general use for which the Permit is requested;
- (c) the location of the Park, and the dates and times for which a Permit are requested;
- (d) the number of persons expected to take part in the procession, march, drill, parade, performance, ceremony, concert or festival;
- (e) details of proposed insurance that at a minimum shall include comprehensive all-risk liability insurance coverage in an amount not less than \$2,000,000 per occurrence, with Village as an additional named insured; and
- (f) a specific description of any commercial activities, if any, proposed including the names of any third-party individuals or businesses that will be operating the commercial activity.

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4.4 A Permit shall be issued if:

- (a) the applicant is a recognized community non-profit organization (exceptions must be authorized by the Chief Administrative Officer);
- (b) the Park requested in the application is available for use on the dates and at the times requested in the application;
- (c) the applicant has provided satisfactory proof to the Chief Administrative Officer that insurance is in place that complies with Section 5(e) of this Bylaw;
- (d) the use does not contravene any other provision of this Bylaw or any other applicable Bylaw;
- (e) where commercial activity is proposed, the individual or company operating the activity holds a valid Business License to operate within the Village, and satisfactory proof of a valid Business License is provided to the Chief Administrative Officer;
- (f) the use has no detrimental effect on the Park requested; and
- (g) the use, including any commercial activities, does not constitute a risk of injury to the public.

4.5 Notwithstanding anything in this Bylaw, any Park, or any portion thereof, may at any time be temporarily closed to public use.

**Enforcement**

5.1 Every person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits an act or thing to be done in contravention of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000 (and not less than the fines prescribed in the Village Ticketing for Bylaw Offences Bylaw), the cost of prosecution and any penalty or order imposed pursuant to the Community Charter (British Columbia) or the Offence Act (British Columbia). Each violation against this Bylaw shall be deemed to be a separate and distinct offence, and, where the offence is a continuing one, each day that the offence is continued constitutes a separate offence.

Read a first time on the 9<sup>th</sup> day of October, 2018.

Read a second time on the 9<sup>th</sup> day of October, 2018.

Read a third time on the 9<sup>th</sup> day of October, 2018.

Adopted on the 23<sup>rd</sup> day of October, 2018.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

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### Schedule A



### Village of Sayward

652 H'Kusam Way, Sayward, B.C. V9R 1P0  
 Telephone: (250) 282-5512 Fax: (250) 282-5511  
 Email: [village@saywardvalley.net](mailto:village@saywardvalley.net)

### PERMIT FOR USE

<b>EVENT:</b>	<b>APPLICATION DATE:</b>
<b>ORGANIZATION:</b>	
<b>PERSON RESPONSIBLE:</b>	
<b>ADDRESS:</b>	<b>POSTAL CODE:</b>
<b>TELEPHONE:</b>	<b>CELL:</b>
<b>EMAIL ADDRESS:</b>	<b>FAX:</b>
<b>FACILITY REQUESTED:</b>	
<b>DATES &amp; TIMES REQUIRED:</b>	
<b>ALTERNATE CONTACT:</b>	<b>TELEPHONE NO:</b>
<b>SPECIAL REQUESTS:</b>	
<b>COMMERCIAL ACTIVITY CONTEMPLATED:</b>	
<i>(i.e.: children's rides, paid entertainers, sale of merchandise)</i>	
<b>COMMENTS:</b>	
<b>NUMBER OF PARTICIPANTS:</b>	<b>TYPES OF ACTIVITY:</b>
<b>WILL ALCOHOL BE SERVED: (please circle)</b>	<b>YES      NO</b>
<b>INSURANCE REQUIRED: (Office Use Only)</b>	<b>YES      NO</b>

#### *Liability and Insurance Requirements for Major Event*

<p>The Village of Sayward requires Comprehensive General Liability Insurance from applicants requesting the use of Municipal Property except where:</p> <ul style="list-style-type: none"> <li>• No alcohol is to be served and</li> <li>• The number of participants is estimated to be less than one hundred and fifty (150) persons and</li> <li>• The planned activity is unlikely to result in injury to the participants, guests, spectators or others users of the Park.</li> </ul>	<p><b><i>Cross Liability Defined</i></b>                  In the event of claims being made by reason of Personal Insurance and/or Property Damage suffered by one Insured herein for which another Insured herein is or may be liable, the Policy shall cover such Insured against whom a claim is made or may be made in the same manner as if separate policies had been issued to each Insured herein.</p>
<p><b><i>The Minimum Liability Insurance Requirements are:</i></b>                  Confirmation that the required insurance is currently in force must be submitted to the Chief Administrative Officer a minimum of four (4) weeks prior to the event taking place.</p> <ul style="list-style-type: none"> <li>• The Village of Sayward is named as an additional insured.</li> <li>• Cross Liability Clause</li> <li>• Comprehensive General Liability Policy of not less than \$2,000,000. Public Liability &amp; Property Damage for non alcoholic function.</li> </ul>	

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### PERMIT FOR USE (Terms)

1. The Permit Holder in consideration for the use of this permit covenants with the Village of Sayward ("Village of Sayward") as follows:
  - (a) to leave the facilities and property clean and tidy to the sole satisfaction of the Village, and to reimburse the Village for any and all costs incurred should the Permit holder not satisfactorily complete this work;
  - (b) to hold the event in accordance with the strict times and dates as authorized by the permit, and at the end of the time of the event set out in the permit, leave the site peaceably and in the same condition as before the event was held;
  - (c) to comply with the Village's "Key Deposit Policy" where keys are obtained for access to buildings, gates, power, water, or other amenities, and to obtain such keys from the Parks, Recreation Department only during regular working hours being Monday to Friday, 8:30 am to 4:30 pm.
  - (d) to properly secure all locks to facilities and property on completion of an event;
  - (e) to be responsible for any and all damages resulting from the use of the facilities, and to cancel all activities as a result of inclement weather, or when the field conditions are wet;
  - (f) to prohibit the consumption of liquor during the event except with the prior written permission of the Village, and where permitted by the Village to comply with all regulations of the Liquor Control and License Act, including the obtaining of all necessary permits, and obtain the required insurance. Permission from the Village should be initiated by a letter of request to the Chief Administrative Officer at least two months prior to the event taking place.
  - (g) to supply an adequate number of portable restroom facilities where the event is located at a site that does not have sufficient permanent facilities;
  - (h) to obtain the necessary fire permits from the Sayward Valley Volunteer Fire Department where the event requires the use of enclosures, tents or other fabric structures, handling of vehicle fuel, cooking facilities, open flame, or fireworks;
  - (i) to inform the Village, RCMP, Emergency and Fire officials where the event requires traffic control, and to carry out such traffic control as to avoid traffic problems for event attendees as well as non participants traveling through the area, and not to interfere with emergency routes for ambulances or fire trucks by the inappropriate placement of barriers, cones, or temporary signs;
  - (j) to be responsible for all costs of extra law enforcement where required;
  - (k) to comply with the guidelines for food handling, preparation, and distribution of the Health Department where food is to be served or sold at an event;
  - (l) to not use any form of vehicles on site except with the prior permission of the Chief Administrative Officer;
  - (m) to prohibit all commercial activity except as authorized in the permit;
  - (n) to inspect the facility before the event takes place to ensure there are no safety hazards;
  - (o) to provide adult supervision to all participants taking part in the event;
  - (p) to ensure that all participants are wearing the appropriate clothing and footwear for the event;
  - (q) to allow only invited guests, paid attendees, or players to take part in the event; and
  - (r) to immediately bring to the attention of Village Officials any potential hazards, and to immediately correct such hazards, or identify and warn the participants of the hazard prior to the commencement of the event.
  - (s) Noise Variance Permit; if the permit holder is planning to use amplified sound during the hours of 10:00 pm and 7:00 am, a noise variance approval must be received. A letter requesting a noise variance must be attached to the "Permit for Use Form" complete with the date and times amplified sound is planned.
2. In the event of a breach of any of the terms contained in Section 1, the permit shall be immediately cancelled and the Permit Holder agrees that they shall not be entitled to future permits in the event of a breach of permit previously issued by the Village.
3. The Permit Holder accepts the facilities requested as is, where is at the Permit Holder's own risk, and without recourse against the Village for any reason whatsoever.
4. The Permit Holder agrees to indemnify and save harmless the Village of Sayward where appropriate, for any and all liability for loss, costs, or damages resulting from bodily injury, including death, of or to any persons, or from damage to the property of others arising from the use authorized by the permit, or the holding of the event.

**I HAVE READ, UNDERSTAND AND AGREE TO THE TERMS ABOVE**

**SIGNED ON BEHALF OF THE** \_\_\_\_\_

*(Name of Group)*

**BY ITS AUTHORIZED SIGNATORIES:**

\_\_\_\_\_  
*Representative*

\_\_\_\_\_  
*Secretary*

**PERMIT APPROVED:**

**Date:** \_\_\_\_\_ **Signature/Position:** \_\_\_\_\_

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