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Repealed by
B/L 1331
1940326

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1802.

A By-law for the Construction, Maintenance, Use, Operation, Regulation, Protection and Government of Parks, Buildings, Beaches, Pleasure grounds and other places for Recreation and Enjoyment of the Public within the jurisdiction of the Municipal Council of the District of Burnaby.

WHEREAS under and by virtue of the provisions of the Municipal Act being Chapter 199 of the Revised Statutes of British Columbia 1936 and amending Acts, the Council of every Municipality may from time to time make, alter and repeal by-laws not inconsistent with any law in force in the Province.

(a) For accepting, purchasing, and holding real property for the purposes of public parks or pleasure-grounds within or without the municipal limits, and for making rules and regulations respecting the same, and for levying rates for maintaining such parks or pleasure-grounds or for joining with other Municipalities for all such purposes.

(b) For constructing, maintaining, and operating, either within or without the limits of the Municipality, public swimming-baths, and for prescribing and collecting fees and charges for the use thereof, and for acquiring and holding land or real property necessary therefor:

(c) For entering into agreements with neighbouring Municipalities for the joint regulation, management, maintenance improvement, and control of any public park, beach, pleasure-ground, or recreation-ground, and for granting or expending 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 situate within the limits of the Municipality so granting or expending such money:

(d) For accepting, purchasing, holding, improving, maintaining, and managing real property for the purpose of recreation-grounds, playgrounds, golf-links, and games or sports, or any of such purposes, within or without the Municipal limits, and for constructing, erecting, and managing buildings thereon, and for making rules and regulations respecting the same, and for charging entrance fees thereto and fees for the use of the same or playing any games thereon, and for levying rates for maintenance of any such real property or buildings, or for joining with other Municipalities for any or all of such purposes:

(e) For regulating the situation, construction, maintenance, and user of swimming-baths situate within or without the Municipal limits, and the fees or charges to be made or collected by the owner, occupier, or lessee thereof, and for providing for the entering into agreements with such owner, occupier, or lessee for any of such purposes:

(f) For constructing, maintaining, and operating such buildings as the Council may from time to time deem advisable for the recreation and enjoyment of the public:

(g) For providing accommodation for any and all kinds of sports and games, either indoor or outdoor, and for setting aside and reserving portions of any parks or pleasure-grounds for particular kinds of sports and games:

(h) For charging and collecting fees for admission to any building or to any part or parts of any park or pleasure-ground set aside for particular sports or games:

(i) For leasing or renting out the use of any buildings or parts of any buildings or any portion or portions of any park or pleasure-ground, and for fixing and collecting the rents or fees payable by the person or persons leasing or using the same:

(j) For closing to the free use of the public the whole or any part of any park or pleasure-ground, or the whole or

any part of any building or buildings erected thereon, at such times and for such periods as may be deemed advisable; for charging and collecting a fee for admission to such parks, pleasure-grounds, or buildings, or parts thereof during such periods, and for providing penalties for unauthorized entry during such periods.

And for enforcing such by-laws by fine or imprisonment.

AND WHEREAS it is deemed expedient to make by-laws and regulations for the foregoing purposes in the District of Burnaby.

THEREFORE the Commissioner of the Corporation of the District of Burnaby in exercise of all the powers him thereunto enabling HEREBY ENACTS AS FOLLOWS:

1. INTERPRETATION

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) "Corporation" shall mean and include the Council of the District of Burnaby.

(b) "Parks" shall mean and include public parks, playgrounds, driveways, roadways, paths, boulevards, beaches, swimming baths or natatoriums, and other public places under the custody, care, management and jurisdiction of the Corporation of the District of Burnaby.

(c) "Boulevards" shall mean and include any portion of any street or highway other than a sidewalk or travelled portion thereof.

(d) "Driveway, roadway or path" shall mean and include any way or thoroughfare set apart and improved by grading, gravelling or other means for the use of pedestrians, vehicular or animal traffic.

(e) "Vehicle" shall mean and include all conveyances 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 and tricycles.

(f) "Person" shall, when necessary, mean and include natural persons of either sex, associations, corporations, bodies politic, co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such person to whom the context can apply according to law. The singular shall, when necessary, be held to mean and include the plural; the masculine; the feminine; and the converse thereof.

(g) "Park Superintendent" shall mean any person appointed by the Corporation to superintend the carrying out of the powers and duties of the Corporation and its employees and agents under this By-law.

2. It shall be lawful for the Corporation and it is hereby empowered to accept purchase and hold real property for the purposes of public parks or pleasure-grounds within or without the Municipal limits, and to make rules and regulations respecting the same and to levy rates for maintaining such parks or pleasure-grounds or to join with other Municipalities for all such purposes.

3. It shall be lawful for the Corporation and it is hereby empowered to construct, maintain and operate either within or without the limits of the Municipality public swimming baths and to prescribe and collect fees and charges for the use thereof and to acquire and hold land or real property necessary therefor.

4. It shall be lawful for the Corporation and it is hereby empowered to enter into agreements with neighbouring municipalities for the joint regulation, management, maintenance, improvement and control of any public park, beach, pleasure-ground or recreation ground, and to 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 situate within the limits of the Municipality of Burnaby.
5. It shall be lawful for the Corporation and it is hereby empowered to accept, purchase, hold, improve, maintain and manage real property for the purpose of recreation-grounds, playgrounds, golf-links, and games or sports or any of such purposes within or without the Municipal limits of Burnaby and to construct, erect and maintain buildings thereon, and to make rules and regulations respecting the same, and to charge entrance fees thereto and fees for the use of the same or for playing any games thereon and to levy rates for maintenance of any such real property or building or to join with other Municipalities for any or all such purposes.
6. It shall be lawful for the Corporation and it is hereby empowered to regulate the situation, construction, maintenance and user of swimming baths situate within or without the Municipal limits and the fees or charges to be made or collected by the owner, occupier or lessee thereof and to enter into agreements with such owner, occupier or lessee for any of such purposes.
7. It shall be lawful for the Corporation and it is hereby empowered by resolution:

 - (a) to construct, maintain and operate such buildings

as it may from time to time deem advisable for the recreation and enjoyment of the public;

(b) to provide accomodation for any and all kinds of sports and games, either indoor or outdoor and to set aside and reserve portions of any parks or pleasure-grounds for particular kinds of sports and games;

(d) to lease or rent out the use of any buildings or parts of any buildings or any portion or portions of any park or pleasure-ground and to fix and collect the rents or fees payable by the person or persons leasing or using the same;

(e) to close to the free use of the public the whole or any part of any park or pleasure-ground, or the whole or any part of any buildings erected thereon at such time and for such periods as may be deemed advisable and to charge and collect a fee for admission to such parks, pleasure-grounds or buildings or parts thereof during such periods, and to provide penalties for unauthorised entry during such periods.

8. It shall be lawful for the Corporation and it is hereby empowered to make by resolution such regulations for the use, control, management, protection and government of parks, buildings, and other property connected therewith as it may deem necessary or expedient from time to time in addition to the General Regulations herein contained.

9. In case and when the custody, control or management of any lands, buildings or property subject to the provisions of this By-law has been placed with or transferred to a Board of Park Commissioners established in and for the District of Burnaby, such Board shall exercise and enforce this By-law and any other by-laws of the

Corporation respecting parks, buildings and other property to which it or they are referable and may exercise among other powers the power of collecting rentals and admission fees prescribed in such by-laws or in regulations made in accordance therewith; and where necessary the word "Corporation" occurring in this By-law and Regulations shall in such case be construed as if the words "Board of Park Commissioners" were substituted therefor.

GENERAL REGULATIONS.

10. No person shall cut, break, injure or in any way destroy or damage any 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, boulevard, or driveway, or injure, deface or destroy any notices, rules or regulations posted or affixed to anything by order or permission of the Corporation.
11. No person shall climb, walk or sit upon any wall, fence or other erection in or upon any park or boulevard; or cross, travel or use any grass plot or land where signs have been posted forbidding any such use; and no person shall deposit any waste, offensive matter or other substance of any kind into or upon any such park, grass plot, or driveway, or in any lake, stream, pool or pond within the limits of any park, or on or along any driveway except in any receptacles provided for such purpose.
12. No person shall sell or expose for sale any refreshments or any articles or thing in any park, without the express permission of the Corporation first had and obtained.

13. No person shall carry or discharge any firearm of any description, or fire or explode any combustible or other explosive material, without the express permission of the Corporation first had and obtained, or make a fire or throw or place upon the ground any lighted match, cigar, cigarette or other burning substance, within the limits of any park.
14. No person shall molest, disturb, frighten, injure, trap or snare any bird or animal; nor fish in any lake or stream in any park without the special permission of the Corporation.
15. 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, designated and provided, respectively, for any such purpose, and under such rules and regulations and at such times as shall be prescribed by the Corporation; and no procession, march, drill, performance, ceremonies, concerts, gatherings or meetings shall be held in or on any park or driveway without the express permission of the Corporation first had and obtained.
16. No person shall preach or pray aloud, or make an oration, harangue or any political or other demonstration in any public park, except in the case of military services or parades, which it shall be lawful to hold as may be necessary to conform to military requirements.
17. 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 or driveway howsoever; and the owner or other person having the custody of any 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 save with consent of Council.

18. No person shall conduct himself in a disorderly or offensive manner, or molest or injure any other person, or loiter or take up a temporary abode over night on any portion of any park, or obstruct the free use and enjoyment of any park by any other person, or violate any by-law, rule, regulation, notice or command of the Corporation, the Superintendent of Parks, or any other person in control of or maintaining, superintending, or supervising any park or other property of or under the custody, control and management of the Corporation; and any person conducting himself as aforesaid may be removed or otherwise dealt with as in this By-law provided.
19. No person shall erect, construct or build or cause to be erected, constructed or built in or on any park or boulevard any tent, building, shelter, pavilion or other construction whatsoever without the express permission of the Corporation.
20. No person shall use, occupy or travel along or upon any park, driveway or other park property in such manner as to obstruct or to cause an obstruction, 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 or driveway without the permission of the Corporation first had and obtained in writing; and any person receiving any such permission shall at all times be subject to the conditions thereby imposed and the provisions of this By-law in every other respect; And the onus shall at all times be on the person receiving

such permission to duly carry out all such conditions thereby imposed, and to save harmless and protect the Corporation 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 Corporation in the premises.

21. The Corporation, or the Superintendent of Parks, or any person employed by them or him, shall remove or cause to be removed from any park or driveway any obstruction 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 Superintendent of Parks or his assistant duly authorized by him or the Corporation 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.

22. (a) Any person who wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted, the Corporation or its Superintendent of Parks engineers, surveyors, manager, contractor, servants, workmen, or any of them in the exercise of any of their duties under or in connection with or in this by-law authorized and contained; or

(b) Who wilfully and maliciously lets off or discharges any water so that the same runs waste and useless from or out of any reservoir, pond or lake connected with any park or

(c) Causes any dog or other animal to swim in the water or throws or deposits any injurious nuisance or offensive matter into the water in any reservoir, lake

pond or other receptacle for water connected with any park, or on the beaches, or upon the ice in case any such water is frozen, or in any way fouls the water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done; or

(d) Posts, paints or affixes any advertisements or bills of any kind whatsoever in any park or place, shall be deemed to be guilty of an infraction of this by-law, and shall be liable to the penalties hereinafter provided.

PLAYGROUNDS AND COURTS

23. No person shall play at any games on any tennis court, bowling or putting green unless wearing rubber soled shoes and otherwise suitably equipped with the requisite appliances for such games, respectively; and only at such times, or during the seasons, and under such rules and regulations as shall be prescribed, respectively, by the Corporation or its authorized lessees of such court or green.
24. No games shall be played on any court, green, grounds or lawn within any park on the Sabbath Day unless by special permission of the Corporation in writing first had and obtained.
25. 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 the free use thereof by those lawfully entitled to the use of same.
26. 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 game unless otherwise specially arranged for with the Corporation or Park Superintendent.

BATHING BEACHES AND SWIMMING POOLS

27. No person shall enter or bathe in any water in or adjoining any park, bathing beach or swimming pool without being properly clothed in a bathing suit, or where such person is suffering from any contagious or communicable disease, and no person shall disobey any lawful command or order of any person having the superintendence, management or control of any such bathing beach or swimming pool, or the command of any lifeguard or other person in charge of or superintending any bathing beach or swimming pool, nor shall any person cause to swim, or permit the swimming of any animal, or the fouling of any waters therein or immediately adjacent thereto; and any person contravening any rule or regulation applicable thereto authorized by the Corporation shall be deemed to be guilty of an infraction of this by-law.
28. It shall be unlawful for any person:
- (a) To undress or dress in or adjacent to any bathing beach, or swimming pool except in the places specially provided for such purpose.
 - (b) To wear any bathing suit to any extent transparent, or any bathing suit not entirely modest in make and style on any such bathing beach, and no person improperly clad shall be allowed the use of any such bathing beach or bathhouses;
 - (c) To wear men's trunks not of sufficient height to cover the navel and with a three-inch of leg square cut.
 - (d) Wearing a bathing suit or trunks to loiter or play or to indulge in sunbaths in any public park or place other than on a bathing beach, or on the grass plots and picnic grounds of parks immediately contiguous to any bathing beach;

(e) To play ball or any game so as to molest or interfere with or become a nuisance to the general public of any bathing beach.

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

(g) For any male person to enter any portion of any bathhouse set apart for the use of female persons; or for any female person to enter any portion of any bathhouse set apart for the use of male persons.

(h) To use any boat, motor-boat, sea sled or other contrivance or thing in the immediate vicinity of any bathing beach that will endanger, disturb or otherwise interfere with the free use of the water for bathing and swimming purposes;

(i) To fish from or adjacent to any bathing beach, or to cast or haul in any net or other fishing contrivance therein or therefrom between May first and October first in each year.

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

(k) To litter up, deposit or leave, or cause to be littered up, deposited or left, any matter or thing on any beach or in the waters adjacent thereto or to 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 or swimming pool, or adjacent thereto.

TRAFFIC REGULATIONS

29. No person shall ride or drive any horse or other animal or drive or propel, or permit to be driven or propelled, any vehicle or other mode of conveyance on any boulevard, grass plot or other area within any park other than on the respective driveway made and provided for such purpose; or to drive any animal on any path or other roadway allotted for pedestrian traffic only; provided, however, that invalids' chairs and children's carriages may be allowed on the footwalks to such an extent and in such manner as shall not interfere with the free use of such walks by pedestrians.
30. Subject to the provisions herein contained, it shall be unlawful for any person:
- (a) To ride or drive any horse or other animal or drive or propel any vehicle in, upon or along any driveway in a manner or at a rate of speed not consistent with safety, having due regard to all other traffic;
 - (b) To drive any vehicle with the muffler disconnected, or commonly called "cut-out", or in such other manner as shall constitute a nuisance or danger either to pedestrians or animals or the property within any park; and without limiting the generality of the foregoing, no person shall drive any such vehicle at a greater rate of speed than 15 miles per hour on any driveway.
 - (c) To fail to bring his horse, animal or vehicle to a stop upon the request or signal from any person lawfully directing any traffic within any park, or from any person in charge of any horse or other animal; or to stop whenever any horse or other animal shows signs of fright or getting out of control.
 - (d) To ride or drive any horse or other animal or

any vehicle in any direction other than the direction designated by order of the Corporation, and in accordance with the rules and regulations (if any) authorized by the Corporation for the respective driveway;

(e) To operate, drive, or propel in any park any advertising vehicle without the permission of the Corporation in writing first had and obtained.

(f) To transport any load on any vehicle having a gross weight, including such vehicle, in excess of five tons along any roadway, or to transport or haul any materials along or through any roadway, or to deposit or remove any material or debris or whatsoever kind, in, to, from or within any park without the express permission of the Corporation or the Park Superintendent first had and obtained;

(g) To drive or haul any vehicle having steel or iron tires unless the traction of such tires shall be smooth and perfectly free from projections or indentations, (and of a minimum width of four inches;)

(h) To stand any vehicle, commonly known as parking, in or along any driveway between the hours of sunset and sunrise without a head and rear light or reflector being prominently displayed on such vehicle at all times during such parking;

(i) To operate any vehicle for hire within any park for the purpose of taking on or discharging passengers for hire from or to any point in any park without the consent in writing of the Corporation first had and obtained.

DUTIES OF EMPLOYEES AND CONSTABLES IN PARKS

31. The duties of all employees of the Corporation and of officers and constables detailed for service in any park shall consist in carrying out the lawful commands, orders, by-laws and regulations of the Corporation, the prevention

of crime and enforcing the by-laws of the Corporation applicable to any park or other property of the Corporation. Every such employee, constable and officer shall familiarize himself with the Rules and Regulations governing parks, boulevards, beaches, driveways and swimming-pools, and with general information relative to the parks of the Corporation.

32. Each employee, officer and constable in the service of the Corporation on duty in any park or other place to which this by-law refers:

(a) Shall carefully and intelligently carry out all duties assigned to him, and to report to his superior officer as required;

(b) Shall be considered to be always on duty while in or on property to which this by-law refers;

(c) Shall, in case of accident, render first-aid and other assistance where possible, and shall take the names and addresses of all persons directly connected therewith, and forthwith make a written report thereon to the Corporation or Park Superintendent.

33. The duties and regulations pertaining to and prescribed for officers and constables of the Police Force on duty within the District of Burnaby shall, mutatis mutandis, apply to and be applicable to all special and other officers and constables in the service of the Corporation. All officials and employees of the Corporation, when in the discharge of their duties in or about a park, shall be ex officio possessed of all the powers and authorities of Constables, and shall have the like protection in the exercise of their offices and the execution of their duties as Justices of the Peace have under the laws of this Province.

VIOLATION OF BY-LAW

34. 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 any act or thing which violates any of the provisions of this by-law shall be deemed to be guilty of an infraction of this by-law, and shall be liable to the penalties hereby imposed.

PENAL CLAUSE

35. Any person guilty of an infraction of this by-law shall, upon conviction thereof before the Police Magistrate or other Court having jurisdiction in the District of Burnaby, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Police Magistrate or Court convicting, a fine or penalty not exceeding the sum of One hundred dollars and costs for each offence, and in the default of payment thereof, forthwith it shall be lawful for such Police Magistrate or other Court convicting as aforesaid to issue a warrant under his or their hand and seal to levy the said fine or penalty and costs, or costs only, by distress and sale of the offender's goods and chattels; and in case of no distress or insufficient distress found to satisfy the said fine or penalty, it shall be lawful for the Police Magistrate or other Court convicting as aforesaid to commit the offender to the common gaol in or for the District of Burnaby for any period not exceeding two months (with or without hard labour) unless the said fine or penalty be sooner paid.
36. This By-law shall come into force and take effect on the date of the final passing hereof by the Corporation.

This By-law may be cited for all purposes as
"THE BURNABY PARKS REGULATION BY-LAW 1943."

PASSED in open Council on the Twenty ninth
(29th) day of March, A.D. 1943.

RECONSIDERED AND FINALLY PASSED by the Council,
signed by the Reeve and the Municipal Clerk and sealed
with the Corporate Seal of the Corporation of the District
of Burnaby on the Twelfth (12th) day of April, A.D. 1943.



W J Willson

REEVE

Charles B Brown

CLERK.