City of Merritt

"City of Merritt Parks Regulation Bylaw 2385, 2024"

Consolidated For Convenience – August 28, 2026

Bylaw 2385	December 17, 2024

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CITY OF MERRITT

BYLAW 2385

A BYLAW TO REGULATE THE USE OF PARKS

The Council for the City of Merritt, in open meeting assembled, enacts as follows:

1. Citation

This bylaw shall be cited as "City of Merritt Parks Regulation Bylaw 2385, 2024".

2. Repeal

The "City of Merritt Parks Regulation By-Law No. 2054, 2008" and amendments thereto is hereby repealed.

3. Definitions

Unless otherwise defined by this bylaw, the definitions used in the *Community Charter*, the *Local Government Act* and the *Interpretation Act* apply to this bylaw.

3.1. “Crown Land” means land vested in or owned by the government of British Columbia, for certainty does not include land covered by water.

3.2. “Highway” includes a street, road, lane, sidewalk, bridge, viaduct and any other way open to public use, and for certainty:

a) includes any portion of highway right of way which has not been improved, designed, or ordinarily used for vehicular traffic; and,
b) does not include a private right of way on private property.

3.3. “City owned lot at Airport” means the City owned land at 4150 Airport Road legally described as PID 029-216-753 Lot 2 of Plan KAP92967.

3.4. "Park” means, whether or not the land is identified as a park by signage or any other device,

a) Any land designated as a park on a plan of subdivision or strata plan deposited in the Land Title Office;
b) Any municipal land dedicated or reserved by the Council as a park;
c) Any Highway closed to traffic and rededicated as a park;
d) Any land granted to the City by the Crown for park purposes;
e) Any land in respect of which a statutory right of way for park or public trail purposes has been granted to the City; or,

f) Any land transferred to the City on condition that it be used as a park.

3.5. "Public Place" means any land which is a Park, Crown Land, or otherwise owned or leased by the City but does not include a Highway.

3.6. "Smoke or Smoking" means to inhale, exhale, burn, or carry a lighted cigarette, cigar pipe, hookah pipe, electronic cigarette, or other smoking equipment, that burns or vaporizes tobacco, cannabis, or any other substance.

3.7. "Temporary Shelter" means any temporary structure capable of being easily disassembled and providing shelter from the elements, including any tent, lean-to, or other form of shelter constructed from nylon, plastic, cardboard, tarpaulin, or other similar non-rigid materials and for certainty a temporary shelter does not mean a Vehicle.

3.8. "Unhoused Person" means a person who has neither a fixed address nor a safe location to return to sleep on a regular basis.

3.9. "Vehicle" means a device in, or upon, or by which a person or thing is or may be transported or drawn upon a street, and for certainty includes any recreational vehicle or any trailer and does not include a device designed to be moved by human power.

4. Regulations

4.1. No person shall cut, pick, break, dig, pull up, injure or in any way destroy, change or damage in whole or in part, any tree, shrub, plant, grounds, turf, flower, building, structure, fence, sign, equipment, seat, bench, thing or ornament of any kind, irrigation system, or in any way foul, litter or pollute any fountain, stream, pool, pond, 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 Council.

4.2. No person shall climb, walk or sit upon any wall, fence or other erection in or upon any Park or boulevard, or use any grass plot or land where signs have been posted forbidding such use.

4.3. No person shall deposit any waste, offensive material or other substance of any kind into or upon any such Park, grass plot, or driveway, or in any stream, pond or pool within the limits of the Park, or in or around any recreation building or area, or on or along any driveway except in the receptacles provided for such purpose.

4.4. No person shall remove any soil, earth, topsoil, dirt, or other material from lands within any Park.

4.5. No person shall sell or expose for sale or gift any refreshments or any article or merchandise or thing, or conduct any business in any Park unless valid permission in writing is given by Council or its appointed representative.

4.6. No person shall erect, construct, or build or cause to be erected, constructed or built in or on any Public Place or boulevard any tent, building, shelter, pavilion or other construction whatsoever, save and except with the express written permission of Council or its appointed representative.

4.7. No person shall use, occupy or travel along or upon any Park or Park property in such a manner as to obstruct or cause an obstruction, or to interfere with any person or traffic lawfully using the same; or encumber or obstruct in any manner whatsoever, any Park or Park property unless they have valid written permission of Council or its appointed representative.

4.7.1. Council, by its workmen or others, may remove or cause to be removed from any Park any obstruction or thing placed therein or thereon contrary to the provisions of this bylaw, at the expense of the person who obstructed or created the obstruction.

4.8. No person shall throw or place on the ground any lighted match, cigar, cigarette or other burning substance within the limits of any Park, except where such lighted material or burning substance is part of a fireworks exhibition approved by Council or its appointed representative.

4.9. All Parks in the City of Merritt shall be closed to the public and to all Vehicles each day of the year from sundown until sunrise of the following day and all persons found therein shall be treated as being in the Park unlawfully, except:

4.9.1. where there is a special event, concert, or fireworks exhibition held with the valid written permission of Council or its appointed representative; or,

4.9.2. where a person or group has contracted with the City to rent or to use the Park(s).

4.10. Except as otherwise provided by this bylaw, no Vehicles shall be parked in any Park while such Park is closed, and any such Vehicle parked contrary to the provisions of this bylaw may be removed at the expense of the owner of the Vehicle.

4.11. No person shall ride, drive or herd horses or other livestock within any Park except with the express written permission of Council or its appointed representative.

4.12. No person shall Smoke at or in a Park.

5. Temporary Shelters

5.1. Notwithstanding section 4.6 of this bylaw, this bylaw does not prohibit an Unhoused Person from placing, erecting, occupying or using a Temporary Shelter on the City owned lot at Airport if all of the following requirements are satisfied:

5.1.1. the Temporary Shelter is erected only for the purpose of sheltering overnight on the day the shelter is constructed;

5.1.2. the Temporary Shelter erected under section 5.1.1 must not be erected earlier than 7 pm on the day it is constructed, and must be dismantled and removed from the park by 9:00 am the following morning;

5.1.3. the Temporary Shelter may not occupy an area no larger than 64 square feet; and,

5.1.4. the Temporary Shelter must be located no closer than 6.5 feet from any other Temporary Shelter.

5.2. Any Unhoused Person who has placed, erected, occupied or used any Temporary Shelter on City owned lot at Airport as provided for in section 5.1 of this bylaw must by 9:00 am of the following day:

5.2.1. take down the Temporary Shelter; and,

5.2.2. remove all of their belongings, including the Temporary Shelter, from within 50 metres of where the Temporary Shelter was located the previous night.

6. Enforcement and Penalties

6.1. Any Bylaw Services Officer and any employee, contractor or agent of the City may remove or cause to be removed any structure, shelter, tent, Vehicle, trailer, possession, chattel or other item which is in a Public Place in contravention of this bylaw, and the Bylaw Services Officer or the employee, contractor, or agent of the City may then immediately dispose of the item.

6.2. The City may recover, as a debt, its costs and expenses of any removal or disposal carried out under section 6.1 of this bylaw from the owner of the applicable structure, shelter, tent, Vehicle, trailer, possession, chattel or other item.

6.3. Any person who contravenes this bylaw commits an offence and upon conviction by way of a proceeding under the *Offence Act* is liable to a penalty of not less than $2,500.00 and not more than $10,0000.00 for each offence and the costs of prosecution.

6.4. This bylaw may be enforced by the issuance of a municipal ticket information under the Municipal Ticket Information Bylaw No. 2044, 2009.

7. Exemption

7.1. Notwithstanding any thing contained in this bylaw or any other bylaw of the City to the contrary, the officers, officials and employees of the City, while in the exercise of their duties, shall be exempt from the provisions hereof.

8. Severability

8.1. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

Read a First Time this	10th day of December, 2024
Read a Second Time this	10th day of December, 2024
Read a Third Time this	10th day of December, 2024
Adopted this	17th day of December, 2024

_____
Michael Goetz
Mayor

_____
Linda Brick
Corporate Officer