



City of Merritt

"City of Merritt Parks Regulation Bylaw 2054, 2008"

Consolidated for Convenience – July 2, 2024

Bylaw No. 2054	August 26, 2008
Amendment Bylaw 2211	July 12, 2016
Amendment Bylaw 2334	May 24, 2022

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CITY OF MERRITT

BYLAW 2054 PARKS REGULATION BYLAW

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 2054, 2008**".

2. Repeal

"City of Merritt Parks Regulation By-Law No. 1351, 1992" and amendments thereto is hereby repealed.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 "**Homeless Person**" Means a person who has no fixed address or no safe location to return to sleep on a regular basis.

(2334)

3.2 "**N'Kwala Park**" Means the Northerly portion of the land legally described with Parcel Identifier 005-103-321 being the grassy area separated by a fence from the portion of the land used for the purposes of lawn bowling and pickleball.

(2334)

3.3 "**Park**" means any real property owned or subject to a right of occupation by the City for the purposes of pleasure, recreation or community uses of the public including public parks, playgrounds, public squares, green spaces, and footpaths; but does not include the travelled portion of a highway.

(2211)

3.4 "**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, marihuana, or any other substance.

(2211)

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 erected, constructed or built in or on any park 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.
 - 4.6.1: A Homeless Person may erect a tent as a temporary shelter in N'Kwala Park for the purpose of sheltering overnight on the day the shelter is constructed. **(2334)**
 - 4.6.2: Any tent erected by a Homeless Person under section 4.6.1 may not be erected earlier than 7pm on the day it is constructed, and must be dismantled and removed from the park by 8am the following morning. **(2334)**
- 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 he 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 grounded 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

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.

(2211)

5. Penalty

Every person who contravenes any provision of this bylaw is liable on summary conviction of a fine not exceeding Two Thousand Dollars (\$2,000.00).

6. Exemption

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.

7. Severability

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.