



The Corporation of the District of North Cowichan

Parks and Public Places Regulation Bylaw

Bylaw 3626

[Consolidated and printed by authority of the Corporate Officer under The Corporation of the District of North Cowichan Consolidation and Revision Authority Bylaw 3514. Current to December 8, 2020. Last amended December 2, 2020. Amendment 3676, 3806.]

WHEREAS section 8 (3) of the *Community Charter* permits Council to regulate, prohibit and impose requirements in relation to public places;

AND WHEREAS section 46 (2) (a) of the *Community Charter* permits Council to authorize seizure of items unlawfully occupying a public place;

AND WHEREAS section 62 of the *Community Charter* permits Council to regulate, prohibit and impose requirements in relation to persons, property, things, and activities in, on or near public places;

AND WHEREAS section 64 of the *Community Charter* permits Council to regulate, prohibit and impose requirements in relation to nuisances, refuse, graffiti and unsightly conditions;

AND WHEREAS the Municipality deems it desirable to regulate land use within parks and public places to

- (a) protect and enhance recreational areas,
- (b) preserve natural and environmental conditions,
- (c) promote safety and enjoyment, and
- (d) avoid use conflicts;

NOW THEREFORE the Council of The Corporation of the District of North Cowichan enacts as follows:

Definitions

1 In this Bylaw:

“Bylaw Compliance Officer” means a person designated by the Municipality as a bylaw compliance officer, a member of the RCMP or the Director of Parks and Recreation;

“Director of Parks, Forestry, and Recreation” means the person so appointed by the Chief Administrative Officer and includes that person’s deputy;

“environmentally sensitive area” means a riparian area as defined in the *Riparian Areas Protection Act Regulation*, or an area designated in the North Cowichan Official Community Plan as a development permit area for the protection of the natural environment or a natural hazard area;

“food truck” means a motor vehicle or trailer, designed and used for the preparation and sale of food or beverages to the public for immediate consumption;

“homeless person” means a person with no fixed address or no predictable residence to return to on a daily basis and no access to public shelter facilities;

“litter” means garbage, refuse and waste materials;

“liquor” has the same meaning as in the *Liquor Control and Licensing Act*;

“motor vehicle” has the same meaning as in the *Motor Vehicle Act*;

“Municipality” means The Corporation of the District of North Cowichan;

“park” means a play lot, playground, sports field, court, track, ball diamond, skate park, green space, public place, trail, pathway, public right of way, beach, recreation facility and other property, owned, controlled or operated by the Municipality for public park, recreation or cultural purposes;

“park or facility use permit” means a park use permit or recreation facility use permit issued under this Bylaw;

“recreation facility” means a building, facility or other improvement, located on land owned or controlled by the Municipality and used for public park, recreation or cultural purposes, including a recreation centre, pool, arena, artificial turf field, gymnasium, and any associated landscaped, walkway and parking areas;

“recreational vehicle” means a vehicle, trailer, coach, structure or conveyance permanently fitted with wheels, designed to travel or be transported on a highway and equipped to be used for recreational living and sleeping purposes without requiring continuous connection to sewage, water and electric hook ups;

“temporary shelter” means a tent, lean-to or other form of shelter that is temporary and portable, constructed from nylon, plastic, cardboard or other similar non-rigid material that covers an area of 10 square metres or less, and does not include wood frame or portable structures. [BL3676]

General provisions and restrictions

- 2** No person, other than a Municipal employee in the performance of the employee’s duty, may do the following in a park:
- (a) destroy, damage, climb, break, remove or injure a tree, shrub, plant, turf or flower;
 - (b) plant a tree, sapling or flower without the prior written permission of the Director of Parks, Forestry, and Recreation;
 - (c) deface, write or place graffiti on a wall, fence or other structure;
 - (d) build or cause to be built a structure or temporary shelter, unless authorized by the Municipality;

- (e) remain overnight, except for security measures during a special event or activity authorized by the Director of Parks, Forestry, and Recreation;
- (f) loiter or take up temporary abode;
- (g) foul or pollute a fountain, beach, pool, pond, stream or other body of water;
- (h) obstruct another person's use and enjoyment of the park, unless authorized by a special event permit;
- (i) discharge fireworks, unless authorized by the Municipality;
- (j) make a fire or throw or place on the ground a lighted match, cigar, cigarette or other burning substance;
- (k) enter or remain in a park between the hours of 10:00 p.m. and 5:00 a.m. with a motor vehicle or recreational vehicle, unless authorized by the Municipality;
- (l) park a motor vehicle or recreational vehicle other than in an established parking area, unless the vehicle is an emergency vehicle or authorized by the Municipality;
- (m) interfere with or obstruct a Municipal employee in the performance of the employee's duty;
- (n) use or operate a device, motor, or instrument in such a manner as to disturb the enjoyment of the park by another person;
- (o) possess liquor without a licence under the *Liquor Control and Licensing Act* and special event permit issued by the Municipality;
- (p) act in a disorderly, dangerous or offensive manner;
- (q) deposit, leave, discard or place litter personal belongings, or debris, except within designated recycling or refuse receptacles;
- (r) operate, locate, or park a food truck, unless authorized by the Municipality;
- (s) use or permit the use of equipment to amplify music, announcements or performances in a park, unless authorized by a special event permit issued by the Municipality. ^[BL3676]

Overnight park use

3 Despite section 2, a homeless person may take up overnight accommodation and erect or occupy a temporary shelter in a park, between the hours of 7:00 p.m. on one day and 9:00 a.m. on the following day, provided the homeless person does not do any of the following:

- (a) erect a temporary shelter, occupy, or take up overnight accommodation within
 - (i) 40 m of a playground, community garden, sports field, tennis court, picnic shelter, gazebo, stage, water park, skate park, parking lot, public washroom, ornamental garden, or horticultural display,
 - (ii) 10 m of an established trail or sidewalk,
 - (iii) 10 m of private property,

- (iv) an environmentally sensitive area, or
- (v) 40 m of any area of a park that has been designated for an event or activity under a permit issued by the Municipality;
- (b) damage or alter municipal property, equipment, or infrastructure including fencing, trees, shrubs, plantings, and benches;
- (c) remain, or allow a temporary shelter, possessions, debris, litter or any article to remain between the hours of 9:00 a.m. and 7:00 p.m.;
- (d) obstruct a highway or interfere with the lawful use of a person or vehicle using a highway;
- (e) obstruct a Municipal employee in the performance of the employee's duty.

Commercial services and activities

- 4** A person must not conduct business, sell, or expose things for sale in a park or recreation facility, unless first authorized in writing by the Municipality.

Park or facility use permit

- 5** (1) A person must not use a park or facility for other than general public use, or hold an event in a park or recreation facility, unless that person has first obtained a park or facility use permit.
- (2) A person may apply for a park or facility use permit by
- (a) applying in the form prescribed by the Director of Parks, Forestry, and Recreation, and
 - (b) paying the associated fee as set out in the Fees Bylaw. [BL3676]
- (3) Council delegates to the Director of Parks, Forestry, and Recreation the power to issue park and recreation facility use permits, upon terms and conditions the Director considers appropriate given the proposed use. [BL3676]
- (4) The Director of Parks, Forestry, and Recreation may amend, extend, suspend, revoke, cancel, or refuse to issue a permit to a person who has contravened this Bylaw or the provisions of a park or recreation facility use permit. [BL3676]

Rules of behaviour and conduct

- 6** (1) The Director of Parks, Forestry, and Recreation may post rules of behaviour and conduct in a visible location in a park or recreation facility, and may establish mechanisms to enforce such rules. [BL3676]
- (2) Every person within a park or recreation facility must observe and obey all rules of behaviour and conduct as set out in this Bylaw and the Respectful Spaces Bylaw including, without limitation, all signs and posted notices. [BL3806]

Impounding property

- 7** (1) A bylaw compliance officer may remove, detain, impound, seize or cause the removal, detention, impounding or seizure, of any motor vehicle, liquor, temporary shelter, structure, or other object that contravenes or is used in the contravention of this Bylaw.
- (2) A person entitled to the property detained, removed, or impounded under subsection (1) may obtain release of the object within 7 days of its seizure if that person signs an undertaking not to use that object in contravention of this Bylaw.
- (3) The Municipality may sell or otherwise dispose of objects not reclaimed under subsection (2).

Offences

- 8** (1) A person who violates a provision of this Bylaw is guilty of an offence and liable on conviction to a fine not exceeding \$1 000, plus the cost of prosecution.
- (2) A separate offence is considered to be committed on each day during which a violation continues.

Severability

- 9** If any provision of this Bylaw is, for any reason, found invalid by a court of competent jurisdiction, the provision must be severed and the remainder of the Bylaw left valid and enforceable.

Repeal

- 10** Park Regulation Bylaw, No. 3483, is repealed.

Read a first, second and third time on June 7, 2017
Adopted on June 21, 2017