



DISTRICT OF NORTH SAANICH

BYLAW NO. 1470

A BYLAW TO ESTABLISH RULES AND REGULATIONS FOR THE USE OF PARKS IN THE DISTRICT OF NORTH SAANICH

WHEREAS, pursuant to section 8(3)(a), (b) & (h), 62 and 64 of the *Community Charter*, the Council of the District of North Saanich has the authority to regulate, prohibit and impose requirements in relation to the management of services, public places, nuisances, disturbances and other objectionable situations;

AND WHEREAS, the Council of the District of North Saanich deems it desirable to regulate, prohibit and impose requirements in relation to District parks;

NOW THEREFORE, the Council of the District of North Saanich, in open meeting assembled, enacts the following:

TITLE

1. This Bylaw may be cited as the “North Saanich Parks Bylaw No. 1470 (2018)”.

DEFINITIONS AND APPLICATION

2. In the Bylaw, unless the context otherwise requires:
 - (a) “**beach**” means all shoreline in the District that lies above the high-water mark;
 - (b) “**Bylaw Enforcement Officer**” means a person appointed by the Council of the District as a Bylaw Enforcement Officer pursuant to section 36 of the *Police Act*, R.S.B.C. 1996, c. 367;
 - (c) “**dedicated highway**” means any portion of a dedicated highway that is not improved for general vehicular or pedestrian traffic, whether such portion is naturally vegetated, artificially landscaped or unimproved;
 - (d) “**Director**” means the person duly appointed by Council to serve as the Director of Infrastructure Services and that person’s designated representative;

- (e) **“District”** means the District of North Saanich;
 - (f) **“event”** means any of the following events:
 - (i) an event of a social, cultural, recreational, religious, sporting or community nature;
 - (ii) an event for a community of public celebration;
 - (iii) a celebration of a family or religious event including, without limitation, a wedding, wedding anniversary or birthday;
 - (iv) a competitive event for the evaluation or judging of wine or beer;
 - (v) an event for the tasting of products of a manufacturer; or
 - (vi) an event for the tasting of liquor to acquaint the public with products of a manufacturer;
 - (g) **“homeless person”** means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis;
 - (h) **“park”** means all those lands in the District reserved or dedicated as park by bylaw, or dedicated as park by the deposit of a subdivision or reference plan, or conveyed in trust to the District for the purpose of park use;
 - (i) **“roadway”** means that portion of a Park constructed for use by vehicular traffic, including roads and parking lots;
 - (j) **“temporary overnight shelter”** means a tent, lean-to, or other form of shelter that is temporary and portable in nature and that is constructed from nylon, plastic, cardboard or other similar rigid or non-rigid material;
 - (k) **“trail”** means a paved or unpaved path that is intended for use by non-motorized vehicles; and
 - (l) **“vehicle”** means a conveyance for the carriage of persons and things whether drawn by animals or propelled by any mechanical, muscular or other motive power, including bicycles, tricycles, and skate boards.
3. This Bylaw does not apply to those who are performing duties as District employees.
4. The Director may post signs or notices in a park, on a beach or trail, or along a roadway for the purpose of notifying persons of the regulations contained in this or any bylaw.

CONDUCT IN PARKS

5. A person must not do any of the following in a park or on a beach or trail:
 - (a) cut, break, injure, remove or in any way destroy or damage:
 - (i) a tree, shrub, plant, turf, flower or other vegetation; or
 - (ii) a building or structure of any kind, including a fence, sign, seat, bench, table, swing, playground equipment, public art or ornament;
 - (b) foul or pollute any fountain, pond or natural body of water by depositing or disposing of any organic waste, garbage, filth or noxious substances of any kind;
 - (c) paint, deface, destroy or otherwise damage any wall, fence, rock, tree or other structure;
 - (d) paint, deface, destroy or otherwise damage any notice or sign that is lawfully posted; or
 - (e) dispose of household, yard or commercial waste, including in garbage receptacles.
6. A person may deposit waste, debris, offensive matter, or other substances, excluding household, yard, or commercial waste, in a park, at a beach or along a trail only if it is deposited into receptacles provided for that purpose.
7. A person may play a game in a park only if that game is played:
 - (a) in or on a portion of the park that is specially designed for that purpose; and
 - (b) in accordance with rules and times that are posted in the park.
8. A person must not disturb, frighten, injure, trap or snare any bird, animal, or fish in a park.
9. A person having control of an animal may allow it to run at large in a park only if that is permitted under "Bylaw No. 751", being the District's Animal Control Bylaw, as amended or replaced.
10. A person must not light, ignite, or maintain a fire in any Park without first obtaining a permit.

11. A person must not conduct themselves in a disorderly or offensive manner, which may include but is not limited to using profane, obscene, or abusive language, in any park, at any beach or along any trail.
12. A person must not engage in any activity, which may include but is not limited to making or causing to be made noise, vibration, odour, dust or illumination that may obstruct or interfere with other persons who are lawfully using a park, beach or trail.
13. A person must not play or operate electronic equipment, instruments or other apparatus for the amplification of sound in a park in a manner that may disturb the quiet, peace, rest, enjoyment, comfort or convenience of other persons who are lawfully using the park, beach or trail, unless written permission is obtained from the Director.
14. A person must not ride, park or operate a vehicle on or over any part of a park, other than a roadway or designated parking area, unless written permission is obtained from the Director.
15. A person must not park a vehicle on a roadway between the hours of midnight and 6:00am pursuant to the District's "Streets and Traffic Regulation Bylaw No. 1261, 2012", as amended or replaced.
16. A person, other than a duly authorized officer acting in a lawful capacity, must not, without written permission of the Director, carry or discharge any firearm, use or explode any fireworks, or fire or explode any combustible or explosive material in any park, at any beach or along any trail.

EVENTS IN PARKS

17. A person may only hold an event in a park or on a beach if they have received written authorization from the Director.
18. A person must not possess, distribute, sell or consume liquor, as defined in the *Liquor Control and Licensing Act* (British Columbia), unless the person holds a Special Event Permit issued pursuant to the *Liquor Control and Licensing Act* (British Columbia) and has received written authorization from the Director, and then may only possess, distribute, sell or consume liquor in accordance with the Special Event Permit and written authorization.

19. A person may only undertake commercial activities in a park or on a beach in conjunction with an event and as authorized by the Director.

STRUCTURES IN PARKS

20. A person may erect or construct, or cause to be erected or constructed, a tent, building or structure, or other temporary or permanent structure, in a park only as permitted under this Bylaw, as permitted by the Director pursuant to written authorization to hold an event, or with the express and prior permission of the Council.
21. A person may erect a tent or other temporary and portable structure for recreational use in a park subject to the following restrictions:
- (a) the tent or other temporary and portable structure may only be erected during daylight hours;
 - (b) the tent or other temporary and portable structure may only be erected for a maximum of four hours in a 24-hour period; and
 - (c) the tent or other temporary and portable structure must not be fully enclosed.

TEMPORARY OVERNIGHT SHELTER

22. Where there is no overnight shelter accommodation available within the District or the vicinity thereof, a homeless person may erect and occupy a temporary overnight shelter in a park subject to the following restrictions:
- (a) temporary overnight shelter must not be erected before 7:00 p.m. in any one day and must be taken down and removed before 9:00 a.m. on the following day; and
 - (b) temporary overnight shelter must not be erected at any time within or upon any of the following:
 - (i) playgrounds;
 - (ii) horticultural display areas or gardens;
 - (iii) tennis courts, pickleball courts or other sport courts or fields;
 - (iv) washroom facilities, picnic shelters or gazebos;
 - (v) recreation facilities;

- (vi) beaches;
- (vii) trails, bridges, boardwalks, docks or wharves; or
- (viii) roadways.

23. Temporary overnight shelter must not be erected on a dedicated highway.

REMOVAL FROM A PARK

24. A Bylaw Enforcement Officer, RCMP officer, or the Director may direct a person to leave a park if that person is acting in contravention of the Bylaw or any other enactment.

25. Every person directed to leave a park by a Bylaw Enforcement Officer, RCMP officer, or the Director must immediately exit the park.

26. Every person directed to leave a park must not return to that park or enter any park for a period of 48 hours.

ENFORCEMENT

27. Any person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, contravenes this Bylaw and commits an offence.

28. Each day an offence pursuant this Bylaw is caused or allowed to continue constitutes a separate and distinct offence.

PENALTIES

29. This Bylaw may be enforced by means of a fine imposed pursuant to the “North Saanich Municipal Ticket Information Bylaw No, 1013 (2002)”, as amended or replaced.

30. Any person who commits an offence pursuant to this Bylaw shall, upon summary conviction, be liable to a fine and penalty of not more than \$10,000 and not less than \$1,000 for each offence.

31. Any penalty imposed pursuant to this Bylaw may be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable bylaw, law, statute, or legislation.

SEVERANCE

32. If any provision of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision will not apply and the remainder of this Bylaw will continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision,

READ A FIRST TIME the 3rd day of December, 2018.

READ A SECOND TIME the 3rd day of December, 2018.

READ A THIRD TIME the 3rd day of December, 2018.

FINALLY ADOPTED the 17th day of December, 2018.



MAYOR



CORPORATE OFFICER

