



TOWN OF VIEW ROYAL

BYLAW NO. 986

(Amendment Bylaw No. 1030 and 1095)

A BYLAW ESTABLISHING REGULATIONS IN TOWN OF VIEW ROYAL PARKS

CONSOLIDATED FOR CONVENIENCE

The Council of the Town of View Royal, in open meeting assembled, enacts as follows:

1.0 INTERPRETATION

1.1 In this Bylaw:

- (a) **“Beach”** means all marine Foreshores in the Town of View Royal.
- (b) **“Bylaw Enforcement Officer”** means a person appointed as such by the Council.
- (c) **“Chattel”** means any item of moveable personal property but does not include a motor vehicle.

(Amendment Bylaw No. 1095)
- (d) **“Council”** means the elected Council of the Town of View Royal.
- (e) **“Cycle”** has the same meaning as in the Streets Bylaw No. 980, 2019, as amended from time to time.
- (f) **“Director”** means the Director of Engineering and Parks of the Town and includes the Director's duly authorized designate.
- (g) **“Environmentally Sensitive Area”** means:
 - (i) an area or landscape feature identified in *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, published by the British Columbia Ministry of Environment; or
 - (ii) an area or landscape feature identified in a Town bylaw as environmentally significant or a development permit area for the protection of the environment.
- (h) **“Geocache”** means a small waterproof container containing writing materials, used by the public for recreational hiding and seeking using mobile devices.
- (i) **“Hazardous Material”** includes items, agents, substances or materials which may be hazardous to human health or the environment, and includes, but is not limited to, fuel, harmful chemicals, noxious substances, animal or human waste, mold, food, controlled substances within the meaning of the *Controlled Drugs and Substances Act*, weapons (real or imitation), sharp objects, needles, or any other similar item, agent, substance or material, and includes property of things that may be contaminated by any of the foregoing.

(Amendment Bylaw No. 1095)
- (j) **“Motor Vehicle”** has the meaning set out in the *Motor Vehicle Act* (BC).
- (k) **“Natural Park Feature”** means any tree, shrub, herb, flower, wildflower, grass, turf or plant of any kind; soil, silt, gravel, rock, mineral, wood, fallen timber or other park material;

- (l) **“Park Area”** means all land in the Town of View Royal that:
 - (i) is reserved or dedicated as park by a bylaw of the Town or dedicated as park by the deposit of a subdivision a reference plan;
 - (ii) was conveyed in trust to the Town for the purpose of park; or
 - (iii) is any other parcel of land improved, maintained, developed or administered by the Town for parks and recreation purposes, including all buildings and structures situated thereon, and shall include any other parcel of land or property improved or maintained by the Town of View Royal.
 - (m) **“Park Permit”** means permission in writing, signed by the Director, issued under this Bylaw, that sanctions a specific user activity within a Park Area.
 - (n) **“Parking Lot”** means any part of a Park Area that has been improved for Motor Vehicle parking.
 - (o) **“Persons Experiencing Homelessness”** means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.
(Amendment Bylaw No. 1095)
 - (p) **“Public Assembly”** means a gathering of people in one place for a common purpose that requires a designated space, and includes parades, drills, weddings, ceremonies, concerts, performances, festivals, special events or tournaments on or in any Park Area.
 - (q) **“Public Land”** means all streets, parks or any other real property owned, held or vested in the Town.
(Amendment Bylaw No. 1095)
 - (r) **“Refuse”** means all manner or rubbish, trash, garbage, litter, debris, rubble, demolition waste, discarded or disused objects or construction materials, materials or items, junk, unused or dismantled electronic devices, machinery, old, discarded or unused mechanical or metal parts, glass or plastic bottles or objects, tin cans or other metal containers, paper, glass, pipes, dilapidated furniture, inoperative appliances and other similar things, and unused wood or wood products or hazardous material.
(Amendment Bylaw No. 1095)
 - (s) **“Skate Equipment”** includes skateboard, longboard, in-line skates, and roller-skates.
 - (t) **“Smoke”** means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, other lighted smoking equipment that burns tobacco or another substance, or an activated device containing a substance that is intended to be inhaled or exhaled.
 - (u) **“Structure”** means anything constructed or erected on a property, the use of which requires location on the ground or attachment to something having location on the ground, but does not include landscaping, walkways, driveways, or parking lots.
(Amendment Bylaw No. 1095)
 - (v) **“Town”** means the Town of View Royal.
(Amendment Bylaw No. 1095)
 - (w) **“Weapon”** includes any firearm (including a rifle, shotgun, handgun and air gun), sling shot, bow, crossbow, catapult and any other weapon which releases a projectile.
- 1.2 In this Bylaw, unless the context otherwise requires, wording in the singular includes the plural and vice versa, and wording in the masculine gender includes the feminine and vice versa.
- 1.3 Except as otherwise defined in this Bylaw, words and phrases are to be construed in accordance with their meanings under the *Community Charter*, the *Local Government Act* or the *Interpretation Act* all of British Columbia, as context and circumstances may require.
- 1.4 A reference to another bylaw or a statute refers to that enactment as it may be amended or replaced from time to time.

- 1.5 This Bylaw shall not be interpreted as giving rise to a cause of action in favour of any person on the basis of any absence or failure of enforcement or due to any error or omission in relation to a permit or permission by the Director or other official issued pursuant to this Bylaw.

2.0 CONDUCT IN PARK AREAS

- 2.1 No person, when in a Park Area, shall:

- (a) obstruct the free use or enjoyment of a Park Area by any other user of the Park Area;
- (b) engage in conduct or activity that is reckless, dangerous, or threatening to users of the Park Area;
- (c) use any obscene or abusive language;
- (d) possess, distribute, sell or consume liquor as defined in the *Liquor Control and Licensing Act* (BC), unless the person holds a valid Park Permit and a Special Event Permit from the Province, and then only in accordance with the Park Permit and the Special Event Permit;
- (e) disturb, frighten, injure, trap or snare any bird or animal, or any fish in any stream or pond;
- (f) use or operate any remote-controlled device, including airplanes, boats, helicopters, or drones in such a manner as to disturb the enjoyment of the Park Area by other users of the Park Area;
- (g) interfere with or obstruct any employee of the Town in the performance of their duty; or
- (h) no person, except an agent or employee of the Town in the course of their duties, or person acting in accordance with a permit issued under this Bylaw, shall abandon, deposit, dispose of, store or leave unattended any chattel in or on any park or public land.

(Amendment Bylaw No. 1095)

- 2.2 No person while in a Park Area shall make or cause noises or sounds which disturb or tend to disturb the quiet, peace, enjoyment and comfort of persons in the vicinity, including without limitation:

- (a) using radios, loudspeakers or other speakers; or
- (b) playing any amplified or unamplified music,

without a valid Park Permit.

- 2.3 Every person in a Park Area shall observe and obey all bylaws and regulations of Town, including, without limitation, all signs and posted notices described in section 14.1(e).

3.0 WASTE MANAGEMENT

- 3.1 No person shall deposit, dump or leave any soil, refuse or debris in any Park Area.
- 3.2 No person shall place or deposit any paper, cardboard, glass, or any other litter of any kind in any Park Area, except in a waste container provided for such purpose by the Town.
- 3.3 No person shall place any domestic garbage, commercial waste, or other offensive matters or substances produced outside a Park Area, in a Park Area including any waste container within a Park Area.
- 3.4 No Person shall urinate or defecate in a Park Area except in a public washroom or portable facility provided for that purpose.

4.0 BUSINESS ACTIVITIES

- 4.1 No person shall:

- (a) distribute, place or erect any signs or other materials for the purpose of advertising any commercial activity;
- (b) use any public-address system for advertising any commercial activity; or
- (c) offer any good or service for gain or in the expectation of payment, fee, or other benefit, including concessions, food trucks, farmers markets, filming activity, and fitness or recreation classes,

in or across any Park Area without a valid Park Permit or other written authorization from the Director.

5.0 DANGEROUS OBJECTS

5.1 No person shall:

- (a) carry or discharge any fireworks or explosives of any description;
- (b) throw any stones or other dangerous objects; or
- (c) propel a golf ball in any manner

in or across a Park Area, except in an area designated for that purpose or with a valid Park Permit.

5.2 No person shall carry or discharge any Weapon in a Park Area, except in an area designated for the holding of supervised archery or shooting events.

6.0 DAMAGE TO PROPERTY

6.1 No person shall:

- (a) destroy, damage, deface or remove any Natural Park Feature or seat, bench, swing, playground equipment, ornament or facility of any kind;
- (b) walk, stand, sit or lay upon any flower or shrub bed;
- (c) walk across or use any grassed area or other land where signs have been posted prohibiting such use; or

- (d) begin or continue the construction, placement or deposit of any structure or matter, or dig in the soil, without prior written authorization of the Director or a Park Permit;

in any Park Area.

6.2 No person shall build or place any temporary or permanent structure in a Park Area, without prior written authorization of the Director.

7.0 GEOCACHES

7.1 A person may leave a Geocache in a Park Area with written authorization of the Director.

7.2 The Director will not provide written authorization for the placement of a Geocache in a Park Area unless the following conditions are met:

- (a) the Geocache is clearly marked "Geocache" on the outside of the container and the owner's name and contact information is contained inside;
- (b) the Geocache does not contain any food items or other materials that may attract wildlife;
- (c) all Geocaches are placed:
 - (i) at least 500 metres apart;
 - (ii) in areas that do not put geocaching participants at increased risk of injury;
 - (iii) in a manner that keeps negative effects from searching on Natural Park Features to a minimum; and

- (iv) in a way that does not result in the disturbance of soils, vegetation, wildlife, or Environmentally Sensitive Areas;
- (d) the owner of the Geocache shall visit the Geocache at least annually to ensure the Geocache still complies with this Bylaw; and,
- (e) the owner of the Geocache shall immediately remove the Geocache if it has not been used by another geocaching participant for a period of one (1) year.

8.0 ANIMALS IN PARKS

- 8.1 Subject to section 8.2, no person who owns, possesses, harbors, or has the control of any animal or fowl shall walk, feed, ride, or drive such animal or fowl, or permit such animal or fowl to run at large, in any Park Area.
- 8.2 Dogs in Park Areas are governed by the Town's Animal Control Bylaw No. 604, 2005.
- 8.3 Despite section 8.2, no person shall allow or permit his or her dog to enter:
- (a) any beach between April 1 and September 30,
 - (b) any sports field facility in a Park Area at any time; or
 - (c) any Environmentally Sensitive Area at any time.

9.0 FIRES AND SMOKING

- 9.1 No person shall light or keep lit any fire in a Park Area or Beach.
- 9.2 No person shall throw or place upon the ground any lighted match, cigar, cigarette or other burning material in a Park Area or Beach.
- 9.3 A person shall not Smoke in a Park Area or Beach.

10.0 MOTOR VEHICLES

- 10.1 No person shall operate a Motor Vehicle in a Park Area except on a highway designated for Motor Vehicle use or within a Parking Lot.
- 10.2 No person shall park or stand a Motor Vehicle in a Park Area except in a Parking Lot.

11.0 PARKING LOTS

- 11.1 Parking Lots shall be used only for Motor Vehicle parking, except with a Park Permit or written authorization of the Director.
- 11.2 Without limiting Sections 10.1 and 10.2, no person shall:
- (a) leave a Motor Vehicle in a Parking Lot overnight; or
 - (b) act contrary to any traffic control device in a Parking Lot.

12.0 BICYCLES AND SKATING

- 12.1 No person shall ride or operate a Cycle or Skate Equipment within any portion of a Park Area, except on public highways and trails designated for that purpose.
- 12.2 No person shall ride or operate a Cycle in a Park Area unless the Cycle is equipped with a bell, horn or other warning device suitable for warning other park users of the presence of the Cycle.

13.0 PUBLIC GATHERINGS

- 13.1 No person shall, hold, perform or participate in a Public Assembly without a Park Permit.
- 13.2 Any person intending to hold a Public Assembly shall request a Park Permit from the Director at least fourteen (14) days in advance of the proposed date of the Public Assembly.

14.0 PARK ADMINISTRATION

- 14.1 The administration of Park Areas and the implementation of the Town's proprietary powers regarding Park Areas shall be delegated to and carried out by the Director. Without limiting the powers of the Director, the Director may:
- (a) require that a person or organization obtain a Park Permit, if the Director considers that any game, sport, assembly under section 13.1 or other activity proposed or taking place in a Park Area could have a material impact on the ordinary use of that Park Area, traffic, the security of property, or the safety or convenience of the public or neighbouring residents or businesses;
 - (b) issue or cause to be issued a Park Permit, including for the purposes of section 14.1(a), to impose terms, restrictions and requirements as conditions of issuance of a Park Permit, and to modify, extend, suspend, revoke or cancel a Park Permit as the Director considers necessary for those purposes or otherwise to ensure compliance with this Bylaw or any other enactment;
 - (c) negotiate, enter into and execute Park Permits for specific access to or uses of a portion or facility of a Park Area, subject to the annual financial plan any limits or restrictions established by Council;
 - (d) designate areas within a Park Area where specified recreation activities, sports, camping or other activities are permitted or where specified activities are prohibited;
 - (e) post rules of behaviour and conduct in a visible location in a Park Area;
 - (f) remove or direct the removal of any Geocache that does not have proper identification or owner information, any Geocache the Director deems to be located in an inappropriate location, or any Geocache that, by concentrating park use, results in unintended and unacceptable damage to Park Areas in the Director's sole discretion; and
 - (g) temporarily close any portion of a Park Area to public use, for the purposes of construction, maintenance, repairs, removal of hazards or other reasonable cause.

15.0 PARK PERMIT CONDITIONS

- 15.1 The Director will consider the following factors in reviewing an application for a Park Permit under this Bylaw:
- (a) whether the proposed activity will or is likely to damage the Park Area;
 - (b) whether the proposed activity will or is likely to cause a hazardous or dangerous condition;
 - (c) the payment of applicable fees and charges.

16.0 RESPONSIBILITY OF PARK PERMIT HOLDERS

- 16.1 If the Director requires a Park Permit under this Bylaw, a person shall not hold, perform or participate in an activity or event unless the Park Permit has first been obtained, and then only in strict accordance with any terms, restrictions, conditions and requirements set out in the Park Permit.
- 16.2 Park Permit holders are solely responsible for the conduct of the activity or event authorized by the Park Permit and neither the Town nor any of its officers, officials, employees, or representatives accepts or assumes any responsibility for any claims, actions, costs, expenses or demands in respect of death, injury, loss or damage to persons or property, howsoever caused, arising out of or in connection with an activity or event for which a permit has been issued.

16.3 Park Permit holders for facilities in Park Areas shall:

- (a) control the actions of their team members, fans and others at their games, events or tournaments in respect of protecting Natural Park Features and using litter containers;
- (b) ensure that litter is placed in designated waste containers
- (c) leave washrooms in reasonable condition including sweeping floors from loose mud, litter and other debris; and
- (d) turn off lights, lock doors and gates, and to check security of the area before leaving.

17.0 PARK HOURS

- 17.1 Unless otherwise specified by the Director, Park Areas shall be closed to the public between the hours of 11:00 p.m. and 5:00 a.m. on all days.

18.0 OVERNIGHT SHELTER

- 18.1 A person must not place, secure, erect, use, or maintain in place, in a Park Area, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material;

- 18.2 except between the hours of 7:00 p.m. and 7:00 a.m.;

- 18.3 at any time within 10 metres of:

- (a) a playground, tennis court, sports field, or dugout
- (b) a footpath or road within a Park Area,
- (c) washroom facilities, picnic shelters or gazebos
- (d) a horticultural display area or community garden
- (e) a Beach
- (f) an Environmentally Sensitive Area
- (g) private property
- (h) other temporary structures

- 18.4 Where there is no accessible overnight shelter accommodation available within the Town of View Royal or vicinity thereof, a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis may, subject to the restrictions set out in Sections 18.2 and 18.3, erect and occupy a temporary overnight shelter in a *Park Area* excluding the following *Park Areas*:

Aldersmith Park
Baur Park
Burchill Park
Burnside/Watkiss Park
Caton Lane Park
Chalmers Court Park
Chancellor Park
Chilco Park
Craigflower Creek Park
Duffus Trail Park
Eagle Creek Park
Edwards Park
Evelyn Heights Park
Francis View Park
Game Nature Park
Garry Oak Meadows Park
Glenairlie Park
George's Corner Park
Heddlie Park

Helmcken Centennial Park
Highbank Park
Jalan Park
Kelvin Grove Park
Knockan Hill Park
Knollwood Park
Lime Kiln Park
Little Road Park
Marler Park
Mellor Park
Newstead Park
Nursery Hill Park
Parkcrest Park
Parson Bridge Park
Portage Park
Portage Inlet Linear Connector Park
Price Park
Richards Island
Robin Hill Park
Seabird Park
St. Giles Park
Stoneridge Wetland Park
Thetis Lake Overflow
Watkiss Way Park
Welland Legacy Park
Wilfert Park

(Amendment Bylaw No. 1095)

19.0 EXEMPTIONS

19.1 The following persons are exempt from the provisions of this Bylaw:

- (a) the employees, servants and agents of the Town or other public authority to the extent required to carry out their power or duty; and
- (b) any person who has received the prior written permission of the Director to use part of a Park Area as a temporary access to that person's property, to the extent of the exemption granted in the permission.

19.2 In granting permission under Section 18.1(b), the Director may establish conditions, including without limitation conditions regarding fees, security deposits, hours of use, insurance and indemnification of the Town.

20.0 OFFENCE AND PENALTY

20.1 Notwithstanding the offence and penalties as provided under the *Community Charter* or *Local Government Act*, the following will apply:

- (a) 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.
- (b) Each day such an offence is caused, or allowed to continue, constitutes a separate offence.
- (c) Any person guilty of an infraction of this Bylaw shall be liable to the fine(s) defined in the Municipal Ticket Information Bylaw No. 643, 2007. Any infraction of this Bylaw, not identified in another bylaw of the Town, is subject to a fine not exceeding the sum of Five Thousand Dollars (\$5,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offence; and in default of payment therefore, to imprisonment to a term not exceeding thirty (30) days.

21.0 REMOVAL AND IMPOUNDMENT

21.1 If the Director, a peace officer or a Bylaw Enforcement Officer observes a person or group within a Park Area contravening any provision of this Bylaw or any other enactment, he or she may:

- (a) direct that person or group to comply with the enactment; or
- (b) direct that person or group to leave the Park.

21.2 A person or group who is directed to leave a Park Area by a Director, a peace officer or a Bylaw Enforcement Officer shall immediately leave the Park.

21.3 The Director, a person authorized by the Director, a Bylaw Enforcement Officer, the Chief Administrative Officer, or a police officer on behalf of the Town may cause the removal, detention or impounding of any Refuse, temporary or permanent Structure, temporary overnight shelter, tent, object, obstruction, thing, or chattel placed on Public Land or on a Park Area in contravention of this Bylaw.

(Amendment Bylaw No. 1095)

21.4 If it appears to the Director that the Refuse, temporary or permanent Structure, temporary overnight shelter, tent, object, obstruction, thing, or chattel other than a vehicle that has been impounded under this Bylaw has no market value, the Director may cause the prompt disposal of it, otherwise the person entitled to possession of the impounded thing may recover it by paying the Town the applicable removal and impoundment fees set out in Fees and Charges Bylaw No. 958, 2016.

(Amendment Bylaw No. 1095)

21.5 If a temporary or permanent Structure, temporary overnight shelter, tent, object, obstruction, thing, or chattel other than a vehicle remains unclaimed after thirty (30) days of its impoundment, the Director may cause the thing to be sold at public auction and the Town's Director of Finance must apply the proceeds of an auction sale held under this Section in the following manner:

- (a) firstly, deduct the costs of the auction;
- (b) secondly deduct the fees payable to the Town under Section 21.4;
- (c) finally, pay the surplus, if any, to the person entitled to possession if that person's identity and location are known.

(Amendment Bylaw No. 1095)

21.6 The Town's Director of Finance must apply the surplus referred to in Section 21.5 (c) in the following manner if the identity or location of the person entitled to the surplus is not known:

- (a) hold the surplus for one (1) year from the date of the auction; and
- (b) pay the amount of the surplus into the Town's General Revenue if the surplus exceeds is not claimed within one (1) year from the date of the auction.

(Amendment Bylaw No. 1095)

21.7 An amount paid into General Revenue under Section 21.6 (b) is forfeited to the Town.

(Amendment Bylaw No. 1095)

21.8 An action taken under this Section does not preclude the prosecution of a person who contravenes a provision of this Bylaw.

(Amendment Bylaw No. 1095)

22.0 REPEAL

22.1 Town of View Royal Parks Regulation Bylaw No. 87, 1991 is repealed.

23.0 SEVERABILITY

23.1 Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this Bylaw.

24.0 TITLE

24.1 This Bylaw may be cited for all purposes as “Parks and Public Places Bylaw No. 986, 2018”.

READ A FIRST TIME THIS 20th DAY OF MARCH, 2018.

READ A SECOND TIME THIS 20th DAY OF MARCH, 2018.

READ A THIRD TIME THIS 20th DAY OF MARCH, 2018.

ADOPTED THIS 3rd DAY OF APRIL, 2018.

MAYOR

CORPORATE OFFICER