



The Corporation of the City of Courtenay

Bylaw No. 3121

A bylaw to establish regulations and control of parks and open public spaces.

WHEREAS

- A. The Council of the City of Courtenay wishes to enact a bylaw to regulate, prohibit, and impose requirements respecting parks and open spaces;
- B. This bylaw is essential to ensure that the City's parks and open spaces are accessible, safe, and enjoyable for everyone while protecting the environment and areas of cultural significance, and promoting healthy, active lifestyles; and
- C. The Council of the City of Courtenay respectfully acknowledges that the lands to which this Bylaw apply are on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

NOW THEREFORE the Council of the City of Courtenay, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw shall be cited as "Parks and Open Spaces Regulation Bylaw, Bylaw No. 3121".

Definitions

2. In this Bylaw:

"authorized personnel" means City employees and contractors, including bylaw enforcement officers, peace officers and emergency personnel and as specified in this bylaw;

"bicycle" means a device having any number of wheels that is propelled by human power only and upon which one or more persons may ride and includes the bicycle buggies and trailers that may be attached to the bicycle;

"camping" means the act of setting up tents, campers, or recreational vehicles, within a park or open space for recreational purposes or taking up temporary overnight abode in a park or open space with or without shelter;

"casual use" means the non-special use of a park or open space for recreational activities or relaxation, where the space is available for use by all park users on a first-come, first-served basis;

"City" means the City of Courtenay;

"Council" means the council of the City;

"Director" means the director of the City's Recreation, Culture and Community Services department or their successor;

"e-bike" means a cycle with an electric motor which is not capable of speeds greater than 32 kilometers per hour on level ground or of operating with pedals removed, and which looks like a bicycle and not a motor scooter;

“environmentally sensitive area” means those City lands, or parts thereof, that are in their natural state and which contribute to the retention or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar vital ecological functions, or that are designated as such by the City;

“natural features” means any native or non-native tree, shrub, flower, herb, berry, bough, grass or plant of any kind, and all soil, sand, silt, gravel, rock, mineral, wood, fallen wood or other living or dead natural material;

“open space” means those City lands, excluding parks, consisting of natural landscapes, wetlands, wildlife habitats, greenbelts, civic plazas, picnic areas, footpaths, public parking lots that service recreational facilities and squares, and similar areas that contribute to the City's biodiversity, ecological sustainability, and the well-being of its residents;

“park” means an area of land dedicated or designated and maintained by the City as a park and intended for the purpose of providing recreational, cultural, and leisure opportunities to the public, including facilities such as playgrounds, sports courts and fields, trails, picnic areas, and green spaces, and are intended for the use and enjoyment of individuals and community groups;

“permit” means a permit issued by the City for a special use or another use that requires a permit under this bylaw;

“sheltering” means seeking temporary protection or refuge in a park or open space, often due to being unhoused or adverse weather conditions;

“special use” means the reservation or booking of a specific area of a park or open space for a specific time and purpose for any of the activities described in section 3.4;

“temporary shelter” means a structure, improvement, shield or cover used or intended to be used to house or protect people or things, and includes a tent, tarp, lean-to or other refuge made of cardboard, tarpaulin, canvas, plastic, metal, logs, brush, branches or other materials natural or man-made;

“unhoused” means not having a fixed address or a predictable residence to return to on a daily basis; and

“wildlife” means any wild mammal, bird, reptile, fish, amphibian or insect.

Objectives and Administration

3.1 The objectives and principles of this bylaw are to:

- a) Ensure that parks and open spaces are accessible, safe, and enjoyable for all members of the public;
- b) Encourage the use of parks and open spaces for healthy and active lifestyles;
- c) Regulate and manage commercial activities and events in parks and open spaces to minimize their impact on the environment and other park users;
- d) Protect and preserve natural areas and wildlife in parks and open spaces for future generations;
- e) Promote responsible and sustainable use of parks and open spaces to minimize environmental and natural resources damage;

- f) Foster a sense of community responsibility and pride in parks and open spaces among local residents and businesses;
 - g) Permit diverse activities that promote vibrant and engaging spaces, including recreational, cultural, and community-building events; and
 - h) Ensure compliance with applicable laws and regulations related to parks and open spaces.
- 3.2 **Delegation of Authority:** Staff members of the City, including the City Manager (Chief Administrative Officer), the Director, the Director of Engineering, the Director of Public Works Services, the Director of Corporate Services, or the Fire Chief, and other designated personnel, have been delegated defined responsibilities and authorities in this bylaw corresponding to their roles and functions in implementing and enforcing the bylaw. These include issuing permits, conducting inspections, enforcing regulations, ordering closures, and ensuring compliance, safety, and efficient management of parks and open spaces. Specific responsibilities and roles of staff members are outlined in relevant sections of the bylaw, aligning with their expertise and jurisdiction.
- 3.3 **Director's Power to Place or Erect Signs:** The Director may place or erect signs or other traffic control devices setting out rules and regulations for park and open space use.
- 3.4 **Director May Issue or Refuse Permits:** With regard to permits required under this bylaw:
- a) The Director shall be responsible for the issuance or refusal to issue permits;
 - b) The Director may modify or impose additional requirements on the permits outlined in this bylaw based on the needs and characteristics of the event, location, and potential impact on the community;
 - c) The Director may refer an application for a permit under this bylaw to Council for consideration and determination; and
 - d) If the Director refuses a permit application under this bylaw, the applicant may request that Council reconsider the decision by submitting a written request to the City's Corporate Officer within seven (7) business days of the Director's refusal.
- 3.5 **Permit Applications:** A person, group or organization intending to carry out special use of a park or open space under this bylaw may obtain a permit by:
- a) Submitting an application on the form provided by the City;
 - b) Agreeing in writing to all terms, requirements, restrictions and conditions of special use established by the Director;
 - c) Submitting all required fees, deposits, charges and insurance documents; and
 - d) Showing evidence of compliance with the requirements of other relevant enactments that may apply in the circumstances.

Interpretation

- 4.1 **Interpretation:** Except as otherwise defined in this bylaw, words and phrases used herein have the same meaning as in the *Local Government Act*, the *Community Charter* and the *Interpretation Act* as the context and circumstances require. A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any enactment refers to that

enactment as it may be amended or replaced from time to time. Words in the singular include the plural, and words in the plural include the singular.

4.2 **Headings:** The headings to the clauses in this bylaw and table of contents have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this bylaw or any provision of it.

4.3 **Schedules:** The following schedule is attached and form part of this bylaw:

A: Parks where sheltering is restricted

Use of Parks and Open Spaces

5.1 **Vison Statement for Parks and Open Spaces:** The City's vision for its parks and open spaces network is to foster a healthy, engaged, and inclusive community with a high quality of life by offering diverse parks, interconnected trails, natural areas, and multi-use outdoor recreation and cultural spaces. These spaces aim to accommodate individuals of all ages and abilities and address emerging parks, recreation, and cultural needs and trends. The City's goal is for parks and open spaces to be utilized safely and respectfully, promoting health, well-being, and social interaction for all park users.

5.2 **City Objectives for Parks and Open Spaces:** The City aims to provide recreational, cultural and leisure opportunities that promote physical and mental well-being, community engagement, and appreciation of the natural environment while also recognizing the value commercial activities can have in enhancing the public realm and supporting local businesses. The goal of the bylaw is to balance these benefits with the need to preserve the natural, cultural, and social integrity of parks and open spaces.

5.3 **Casual Use of Facilities in Parks and Open Spaces:** A person may have casual use of a park or open space only if:

- a) The activity involves using a park or open space, or a portion thereof, that is designated by the City for that purpose;
- b) The activity is undertaken played according to applicable regulations and in accordance with applicable enactments and the times posted in the park, open space or at the relevant sport facility, if applicable; and
- c) If playing at a sports facility in a park, participants must wear appropriate equipment for the activity they are engaged in, including helmets for skateboarding, shin guards for soccer, and appropriate footwear for basketball.

5.4 **Permits for Special use:** To ensure the safety and enjoyment of all park users, the City requires permits for specific activities in parks and open spaces, including special use of parks and open spaces for recreational activities, games and organized play, special events, cultural activities, and commercial use. Permits issued by the Director are required for the special use of the following activities:

- a) A public or private, commercial or non-commercial service, activity or event that is intended to attract or requires participants or spectators and includes such as a gathering, wedding, festival, competition, tournament, procession, concert, march, show, party, ceremony, fishing derby or regatta;

- b) Group training, lessons or recreational or other programming;
- c) Recording, photography, filming or videotaping for use in television, motion pictures, on the web or in other commercial or institutional presentations;
- d) Research, survey, data collection or petition activity;
- e) Use of a park or open space for non-park purposes including vehicle access, utility lines, structures, road, signs, fences or walls;
- f) Use of a model airplane;
- g) Operation of a human or animal powered device to transport people or goods; or
- h) Exclusive use of a park or open space for cultural, recreational & social activities, games, or organized sports require a park facility permit;
- i) Special events conducted in a park or open space require a park facility permit and must comply with the Special Events Regulation Bylaw No. 2396;
- j) Posting, painting or distributing any kind of commercial advertisement, sign, handbill, pamphlet, poster or placard;
- k) Operating, parking or stationing a vehicle displaying advertising or equipped with a public address system, or
- l) Commercial use of a park or open space which shall require a commercial use permit, and which must comply with the Business Licence Bylaw No. 2523 requirements.

Applicants for permits under this section must pay the applicable fee specified in the relevant fees and charges bylaw. Permits must be obtained prior to engaging in any special use in a park or open space.

5.5 Animals at Large: The City aims to promote the safety, well-being, and harmonious coexistence of park users, wildlife, and domestic animals. By setting clear guidelines and expectations for animal owners, this section seeks to prevent incidents, protect natural habitats, and maintain an enjoyable environment for all individuals accessing the park facilities. Therefore:

- a) It is prohibited to allow an animal to run at large in a park or open space unless in compliance with the Animal Control Bylaw No. 1897;
- b) Despite subsection (a), the Director has the authority to post areas where dogs are allowed off-leash, including limitations in time;
- c) Any individual who owns, has care, custody, or control of an animal in any park or open space must promptly remove any defecated matter deposited by the animal, provided that the obligation to remove defecated matter does not apply to individuals certified as legally blind; and
- d) No person shall ride or walk a horse on any part of a park or open space except on trails and other areas specifically designated for horse riding by signs or a posted notice.

5.6 Research: Individuals who wish to conduct research or collect specimens within a park or open space must satisfy following requirements:

- a) Prior to conducting research or collecting specimens, the individual must obtain a research permit from the Director, with the research permit serving as official authorization for the proposed activities and ensuring compliance with applicable regulations;

- b) While there is no fixed fee for a research permit, the permit applicant is responsible for reimbursing the City for any costs incurred during the surveying, examination, and inspection of the area affected by the permit application;
 - c) All research activities and specimen collection must comply with applicable enactments, including adherence to guidelines and protocols pertaining to the protection of flora, fauna, and ecological systems;
 - d) The Director and/or the Director of Public Works Services shall have the authority to deny or revoke a research permit based on the nature of the proposed research, noncompliance with this bylaw or other applicable enactments or based on any other concerns made in the interest of preserving the integrity of the park or open space and their environmental resources; and
 - e) If the Director and/or the Director of Public Works Services refuses to issue a research permit, the permit applicant may request that Council reconsider the decision by submitting a written request to the Corporate Officer within seven (7) business days of the Director's refusal.
- 5.7 **Vehicle Usage:** The intent of this section is to regulate the use of motor vehicles, e-bikes, and bicycles, to ensure that they are used safely and responsibly, including, but not limited to the following:
- a) The following regulations shall apply in respect of motor vehicle and motorcycle usage:
 - i. operating any motor vehicle, motorcycle, dirt bike, all-terrain vehicle, or other motorized vehicle on a trail, except for wheelchairs or mobility devices, is strictly prohibited;
 - ii. usage of motor vehicles and motorcycles is prohibited in closed parks or open spaces or closed parking areas;
 - iii. motor vehicle operation below the natural boundary or high tide mark is strictly prohibited.
 - iv. damaging natural features, park facilities, or improvements through motor vehicle operation is strictly prohibited;
 - v. operating motor vehicles in a manner that obstructs the intended use of the park or open space is prohibited; and
 - vi. no vehicle may be parked in any park at any time between an hour after sunset on one day and one hour before sunrise the following day without the prior written consent of the Director, or unless otherwise posted; and
 - b) The following regulations shall apply in respect of e-bikes and bicycles:
 - i. riding e-bikes and bicycles is prohibited in closed parks or closed parking areas;
 - ii. e-bike and bicycle usage below the natural boundary or high tide mark is prohibited;
 - iii. usage of e-bikes on trails within parks is strictly prohibited; and
 - iv. damaging natural features, park facilities, or improvements through e-bike or bicycle usage is strictly prohibited;
 - c) No person under the age of 16 years is allowed to operate an e-bike in a park;
 - d) Any motor vehicle parked in violation of this bylaw may be removed and impounded and the motor vehicle owner is responsible for the cost of removal and impoundment before the vehicle will be returned; and

- e) Motor vehicles, e-bikes, and bicycles used by authorized personnel for park maintenance, park patrols, security, or with written permission from the Director are exempt from the above regulations.

5.8 **Substance Use:** a person must not do any of the following activities in a park or open space:

- a) Consume liquor, as defined in the Liquor Control and Licensing Act, except in compliance with a licence issued under the Liquor Control and Licensing Act;
- b) Consume cannabis, as defined in the Cannabis Control and Licensing Act;
- c) Smoking or vaping (including e-cigarettes);
- d) Consume illicit drugs, except in compliance with the Controlled Drugs and Substances Act (Canada) and applicable provincial enactments.

5.9 **Behaviour and Conduct:** The City is dedicated to creating safe and accessible parks and open spaces for all community members to enjoy and to achieve this goal, the City aims to minimize nuisances and obstructions that may impact the use and enjoyment of these spaces by all community members; therefore, the following provisions aim to ensure that individuals using the City's parks and community facilities do so in a safe and respectful manner:

- a) All individuals in a park or open space must abide by all federal and provincial laws, City bylaws, policies, and any posted notices or signs;
- b) Disorderly, dangerous, or offensive behavior is not allowed in parks and open space;
- c) High-speed activities that involve projectiles, such as golf, archery, war games, radio-controlled aircraft, drones, or cars, require authorization through a facility use permit;
- d) Camping in a park or open space, with or without shelter, is only permitted with a valid permit that complies with all terms and conditions of the permit.
- e) Entering or using any frozen or apparently frozen body of water in a park is prohibited unless posted authorization indicates otherwise.
- f) Constructing any permanent structure in a park or open space is only allowed if it complies with all City bylaws, permits, requirements, and regulations and has been authorized through a resolution of Council.
- g) Preventing or obstructing other individuals' free use and enjoyment of parks or open spaces is not permitted unless authorized through a valid permit.
- h) Using or operating any device in a way that interferes with other individuals' enjoyment of the park is not allowed. This includes but is not limited to the use of amplified or projected sound equipment without a valid permit and in accordance the Prevention of Public Nuisance Bylaw No.2084.

5.10 **Interaction with City Employees:** The City is committed to providing excellent service to the public and creating positive experiences for all individuals while promoting a culture of respect and professionalism, and to ensure that this commitment is met, the City has established provisions outlining expectations for the interaction between City employees and members of the public; therefore:

- a) City employees engaged in park maintenance, cleanup, or renovation may ask individuals within the park to relocate or leave in order to carry out their duties;

- b) Individuals who are asked to move by City employees must comply with the request and remove all of their property as directed;
- c) It is prohibited to obstruct or interfere with the duties of City employees in a park or open space; and
- d) Interfering with a bylaw officer in performing their duties, including issuing tickets or notices, is prohibited under this bylaw.

Protection of Parks and Open Spaces

- 6.1 **Intent of this Part:** The natural and built environments in parks and open spaces are valuable resources that enhance the City's well-being by providing recreation, relaxation, cultural and education opportunities. These areas also provide habitat for wildlife and play an essential role in the local ecosystem and as such require regulations for their protection. The provisions in this part of the bylaw have been established to preserve the natural and built environments in parks and open spaces.
- 6.2 **No Cutting, Pruning or Alteration:** No person shall cut down, prune, disturb, remove or alter any natural feature in a park or open space without first obtaining prior authorization from the Director of Public Works Services, and then only strictly following such authorization.
- 6.3 **No Damage or Tampering:** No person shall remove, destroy, damage, deface, break, or tamper with any tree, shrub, plant material or any building, structure, fence, float, wharf, piling, buoy, lifesaving device, bench, sign, road, trail, or any facility, equipment, material, or thing within a park or open space without first obtaining the express prior authorization from the Director of Public Works. This includes fallen or cut trees, whether they are naturally fallen or intentionally cut, and their removal without authorization is strictly prohibited.
- 6.4 **No Fouling or Polluting:** No person shall foul or pollute or otherwise introduce any contaminant on the land or into any natural stream, creek, ditch, pond, or any human-made water feature, fountain, or pond within a park or open space.
- a) **Waste Disposal and Littering:** The City is committed to maintaining clean and litter-free parks and open spaces for the enjoyment of all users; therefore:
 - b) No individual is permitted to dispose of any kind of waste or refuse within a park or open space except in designated waste receptacles provided by the City;
 - c) Disposing of any household or commercial waste within a park or open space is strictly prohibited, including prohibited within designated waste receptacles; and
 - d) It is strictly prohibited to dispose of any yard waste within a park or open space or receptacle. Yard waste includes, but is not limited to, grass clippings, leaves, branches, tree trunks, and other organic materials originating from gardening, landscaping, or tree maintenance activities.
- 6.5 **Fire and Firearms:** The following firearms provisions aim to prevent fire risk and ensure public safety in parks and open spaces:
- a) No individual may undertake the following activities in a park or open space:
 - i. discharge a firearm, air gun, air rifle, air pistol, or spring gun;
 - ii. feed, snare, trap, catch or hold by any means or purposely disturb, frighten, molest or injure any wildlife;

- iii. discharge a bow, as defined in the *Wildlife Act*;
 - iv. fire or explode any combustible or explosive material, except for fireworks, as allowed by the *Fire Protective Services Bylaw No. 2556*; or
 - v. discard or place any burning substance in park or open space;
- b) No person may keep, store, or use in a park or open space:
- i. an open flame appliance such as a barbecue, stove, heater, or any other appliance with an open flame; or
 - ii. a flammable gas or liquid container such as a propane tank, gasoline container, or any other flammable gas or liquid;
- c) Subsection (b) does not apply to a barbecue or a propane camping stove used for cooking food, provided that it:
- i. Is used according to the manufacturer's instructions;
 - ii. Is certified for outdoor use by the Canadian Standards Association (CSA);
 - iii. Is located at least two meters away from any building or structure, including temporary shelters, erected or maintained in accordance with section 5.2, or is located within a designated area for use by the Director; and
 - iv. Is not used in any park or location where open flames are explicitly prohibited; and
- d) a bylaw officer or firefighter may impound an appliance in cases where the appliance is found to be non-compliant based on Canadian Standards Association (CSA) standards, used contrary to the manufacturer's instructions, or deemed an unacceptable fire risk by a firefighter.

Temporary Sheltering

- 7.1 **Intent of this Part:** The City recognizes that some individuals may need to shelter temporarily in public spaces due to being unhoused, emergencies, or other reasons, and aims to balance the rights and needs of all park users while addressing the root causes of homelessness and poverty through collaborative and inclusive strategies. The intent of this section is to regulate the use of temporary sheltering within parks and open spaces and to ensure that it is done in a safe and healthy manner for all park users.
- 7.2 **Permitted Sheltering:** Where there is no accessible shelter accommodation available in the City, unhoused persons individuals who are unhoused may temporarily shelter in a park if the following conditions are met:
- a) They are in a designated park in a designated area where temporary shelters are allowed by this by-law; and
 - b) They construct a temporary shelter in compliance with this by-law;
 - c) Erecting temporary shelters is permissible only during the hours from 7:00 p.m. until 9:00 a.m. the following day;
 - d) All temporary shelters must be taken down and moved before 9:00 a.m. each day, except for those situated in a location authorized by the City Manager for daytime use.

7.3 **Shelter Requirements:** Temporary shelters must adhere to the following regulations:

- a) Temporary shelters must not be erected:
 - i. within 25 metres of a playground or school or community centre;
 - ii. within 5 meters of a private residential property;
 - iii. in or on a:
 - (A) beach, pond, slough or dock;
 - (B) trail, bridge, seawall, roadway or park entrance;
 - (C) environmentally protected natural area; culturally significant area;
 - (D) garden, community garden or horticultural display area;
 - (E) pool or water park;
 - (F) sports field, sports court, skate park, or fitness amenity;
 - (G) fieldhouse;
 - (H) bleacher, stage, gazebo, plaza, public monument, pavilion, designated picnic site, picnic shelter or washroom;
 - (I) designated off-leash dog area;
 - (J) area identified by signs prohibiting or restricting sheltering in that location; or
 - (K) designated areas of park or open space that have otherwise been issued a permit pursuant to this bylaw;
- b) Temporary shelters must not impede public use of, or access to a park or opens space or to a facility in a park or open space;
- c) Temporary shelters must not hinder or interrupt the ability of staff or contractors to perform their work, as set out in section 3.10 of this by-law;
- d) Temporary shelters must not contain any campfire, lighted candles, or propane lanterns or stoves, or other similar devices;
- e) Temporary shelters must not be used to sell goods or conduct business; and
- f) Temporary shelters must not be left unattended.

Environmentally Sensitive Areas

- 8.1 **Intent of this Part:** The intent of this section is to protect areas within parks and open spaces that are environmentally sensitive or culturally significant. By preserving these areas, the City aims to maintain biodiversity, ecological resilience, cultural diversity, and public appreciation of nature.
- 8.2 **No Sheltering in Environmentally Sensitive Areas:** To ensure the protection of environmentally sensitive areas within the parks and open spaces specified in Schedule A of this bylaw, all forms of sheltering and recreational activities are strictly prohibited in these parks and open spaces, unless designated zones within these areas have been specifically designed and approved for such purposes.
- 8.3 **Additional Measures for Environmentally Sensitive Areas:** The City may establish additional measures, such as signs or fencing, to clearly identify and protect environmentally sensitive areas.

Unsafe Conditions and Closures

9.1 **Implementation of Measures:** In the event of unsafe conditions within a park or open space that pose a risk to public safety, the following measures may be implemented:

- a) If an unsafe condition is identified, the Director has the authority to take immediate corrective action to eliminate or mitigate the unsafe condition, which may include, but is not limited to, securing, or removing hazardous objects, repairing damaged infrastructure, or closing off areas posing significant risks;
- b) The Director may issue a notice to the responsible party, informing them of the unsafe condition and outlining the necessary remedial actions to be taken within a specified timeframe and the responsible party is required to promptly address the identified safety concerns and take appropriate measures to rectify the situation; and
- c) Failure to address unsafe conditions or non-compliance with the required remedial actions may result in penalties, fines, or legal consequences, as determined by part 8 of this bylaw.

9.2 **Park and Open Space Closures:** The City Manager, the Director, the Director of Engineering, the Director of Public Works Services, or Fire Chief hold the authority to order park closures as necessary to ensure public safety and facilitate essential park operations, in accordance with the following:

- a) A park or open space may be subject to closure, either in their entirety or specific areas for various reasons in the discretion of the above referenced authorized personnel, including but not limited to:
 - i. maintenance, renovation, or other work within the park or open space, ensuring the upkeep and improvement of facilities.
 - ii. safeguarding the well-being of park users and staff in situations involving ongoing construction activities or the presence of hazardous conditions; or
 - iii. any other reason as deemed appropriate by the above-referenced personnel; and
- b) Authorized personnel specified above are responsible for prominently displaying closure notices at park entrances or specific areas within the park with the notices notifying the public of the closure and its implications to the public, ensuring compliance with the closure measures for the safety and security of all park users.

Enforcement & Penalty

10.1 **Intent of this Part:** The intent of this part is to provide the means to enforce the provisions of this bylaw, using various enforcement measures as deemed appropriate by the City, and enforcement of this bylaw shall be the responsibility of designated bylaw enforcement officers, and any other persons authorized by the City to enforce the bylaw

10.2 **Enforcement:** The Director, a bylaw enforcement officer or a peace officer may enforce this bylaw, and in doing so may be assist by another such officer or a City personnel and:

- a) The above referenced authorized personnel may order a person who contravenes this bylaw, or a park use permit to do any of the following:
 - i. cease and desist;
 - ii. leave the park or open space immediately;

- iii. remove or cause to be removed any animal, bicycle, e-bike, vehicle, vessel, structure or other thing which causes or is contributing to a contravention of this bylaw or of a park use permit; and
 - iv. restore any damage caused by the contravention to natural park features or facilities;
- b) Authorized personnel may restrain, seize and detain or cause to have restrained, seized and detained a dog or other domestic animal with no apparent custodian and have the animal removed to an animal shelter or other appropriate facility, in which case the provisions for impoundment and fees apply as established by applicable bylaws; and
- c) Bylaw enforcement officers may enter onto any property in accordance with section 16 of the *Community Charter* in order to inspect and determine if this bylaw is being contravened.

10.3 **Penalties:** The following penalties apply in respect of this bylaw:

- a) Any person who:
- i. contravenes a provision of this bylaw,
 - ii. suffers or permits any act or thing to be done in contravention of this bylaw,
 - iii. refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed under this bylaw,
- commits an offence, and each day that a contravention continues amounts to a separate offence;
- b) A person found guilty of an offence under this bylaw is liable:
- i. if proceedings are brought under the *Offence Act*, to pay the maximum fine and other penalties, compensation and costs authorized by that Act and the *Local Government Act*; or
 - ii. if a ticket is issued under Division 3 of Part 8 of the *Community Charter*, to pay a maximum fine of \$1,000; and
- c) Fines and penalties imposed under this section are in addition to and not in substitution for any cost recovery, remedial action or other consequence of default or contravention provided for under this bylaw, and do not limit the right of the City to bring civil proceedings or pursue any other remedy available at law.

10.4 **Remedial Action and Cost Recovery:** The City may also undertake remedial action and cost recovery in respect of this bylaw as follows:

- a) Where a person has damaged or removed any feature or facility in a park or open space, the person must, at the direction of the Director:
- i. restore or repair the feature or facility or replace it with one of similar value, or
 - ii. pay the cost of restoring, repairing or replacing the feature or facility, as applicable and as determined by the Director, to the City within 30 days of an invoice being delivered by the City;
- b) If a person has been required to do something under a provision of this bylaw, and the person has not completed the action within the time specified:
- i. authorized personnel may fulfill the requirement at the expense of the person;

- ii. authorized personnel may enter onto the person’s property if necessary or convenient to fulfill the requirement; and
- iii. the City may recover the costs incurred for fulfilling the requirement from the person as a debt.

General Provisions

- 11.1 **Severability:** If any provision of this bylaw is found to be invalid or unenforceable, the remainder of the bylaw shall remain in full force and effect.
- 11.2 **Amendments:** The City may, from time to time, amend this bylaw as it deems necessary. Any such amendments must be passed by City Council and shall be effective upon the date specified in the amending bylaw.
- 11.3 **Repeal:** City of Courtenay Parks Control Bylaw No. 1664, 1992, is repealed.

Read a first time this [day] day of [month], [year]

Read a second time this [day] day of [month], [year]

Public Hearing held this [day] day of [month], [year]

Read a third time this [day] day of [month], [year]

Approved by the Minister of Health this [day] day of [month], [year]

Adopted this [day] day of [month], [year]

Mayor Bob Wells

Corporate Officer Adriana Proton

SCHEDULE A – Parks Where Sheltering Is Restricted

1. 13th Street Park (Prohibited)
2. 26th Buffer Park (Prohibited)
3. Air Park (Prohibited)
4. Anderton & 1st (Prohibited)
5. Arden Road (Prohibited)
6. Bear James Park
7. Blue Jay Park
8. Buckstone Greenway
9. Capes Park
10. Cliffe & 5th Park
11. Condensory Park
12. CottonWood Community Garden
13. Courtenay Riverway
14. Crown Isle 150-yr Grove
15. Crown Isle Greenway
16. Crown Isle the Rise
17. Dogwood Park
18. Elderberry Park
19. Green Belt Park
20. Hawk Greenway
21. Hobson Park
22. Hurford Hill Nature Park
23. Idiens Greenway
24. Idiens Way and Suffolk Crescent
25. Lerwick Nature Park
26. Lewis Park
27. Marina Park
28. Martin Park
29. McPhee Meadows
30. Millard Creek Greenway
31. Millard Creek Park
32. Morrison Creek Park
33. Piercy Creek Greenway
34. Puntledge Park
35. Ridge Greenway
36. Ronson Road
37. Rosewall Buffer Park
38. Rotary Sky Park
39. Rotary Trail
40. Roy Morrison Park
41. Ryan Road and Cowichan Avenue
42. Ryan Road and Crown Isle Blvd
43. Sandwick Park
44. Second Street Park
45. South of City Park
46. Tarling Park
47. Valley View Greenway
48. Vanier Nature Park