

Parks and Open Spaces Bylaw Guiding Document

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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.

Part I – General Provisions

The City of Courtenay's Parks and Open Spaces Bylaw is essential to ensure that these public areas are accessible, safe, and enjoyable for everyone while protecting the environment and areas of cultural significance, and promoting healthy, active lifestyles.

Objectives and Principles

- Ensure that parks and open spaces are accessible, safe, and enjoyable for all members of the public.
- Encourage the use of parks and open spaces for healthy and active lifestyles.
- Regulate and manage commercial activities and events in parks and open spaces to minimize their impact on the environment and other park users.
- Protect and preserve natural areas and wildlife in parks and open spaces for future generations.
- Promote responsible and sustainable use of parks and open spaces to minimize environmental and natural resources damage.
- Foster a sense of community responsibility and pride in parks and open spaces among local residents and businesses.
- Permit diverse activities that promote vibrant and engaging spaces, including recreational, cultural, and community-building events.
- Ensure compliance with applicable laws and regulations related to parks and open spaces.

Delegation of Powers

Staff members, including the City Manager (Chief Administrative Officer), Director of Recreation, Culture, and Community Services, Director of Engineering, Director of Public Works Services, Director of Corporate Services, or Fire Chief, and other designated personnel, have defined responsibilities and authorities 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.

Part II - Definitions

Animal At Large – means an animal which is unrestrained or not contained.

Camping - The act of setting up tents, campers, or recreational vehicles, within a park or open space for recreational purposes. Camping typically involves activities associated with outdoor recreation, including sleeping, cooking, and leisure activities.

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Casual use of a park or open space - refers to non-exclusive use of the area for recreational activities or relaxation, where the space is available for use by all park users on a first-come, first-served basis. Examples of casual use of a park may include picnics, playing catch or Frisbee, jogging, or walking dogs.

City - means the City of Courtenay

Council – means the council of the City

Environmentally Sensitive Area (ESA) - Parcels of land that already have, or with restoration or enhancement could become, natural features. These features contribute to the retention and/or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar vital ecological functions

Exclusive use of a park or open space - refers to the reservation or booking of a specific area for a specific time and purpose. This may include private events, games, organized sports impacting other park users, or commercial activities. A permit is required to ensure that the exclusive use of the area does not conflict with other park activities and is safely conducted.

Open Space – Open spaces may encompass natural landscapes, wetlands, wildlife habitats, greenbelts, civic plazas, picnic areas, footpaths, public parking lots that service recreational facilities and parks, squares, and similar areas that contribute to the city's biodiversity, ecological sustainability, and the well-being of its residents.

Parks – Defined areas of land designated and maintained by the City for the purpose of providing recreational, cultural, and leisure opportunities to the public. Parks may include 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.

Park Closures: The temporary restriction or prohibition of access by the public to all or specific areas of a park or open space, either in their entirety or during certain times, due to maintenance, renovation, safety concerns, hazardous conditions, special events, or other authorized reasons.

Person who is unhoused – means a person who has neither a fixed address nor a predictable residence to return to on a daily basis.

Sheltering: Seeking temporary protection or refuge in a park or open space, often due to being unhoused or adverse weather conditions.

Temporary Shelter – means a tent, lean to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material.

Part III – Use of 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

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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.

Facility Use

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.

Casual Use of Facilities in Parks and Open Spaces

1. A person may have casual use of a park and open space only in accordance with the following:
 - a) If the activity is using a park or a portion of a park that is designated for that purpose.
 - b) If the activity is played according to the rules of the activity, and in accordance with the times posted in the park 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, such as helmets for skateboarding, shin guards for soccer, and appropriate footwear for basketball.

Permits for Exclusive Use

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

1. Exclusive use of a park or open space for cultural, recreational & social activities, games, or organized sports require a Park Facility Permit.
2. Special Events conducted in a park require a Park Facility Permit and must comply with the Special Events Regulation Bylaw No. 2396.
3. Commercial use of a park or open space requires a Commercial Use Permit, and all commercial activities conducted in a park 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 games or organized play or conducting a special event or commercial activity in a park or open space.

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Permit Applications and Refusals

1. The Director of the Recreation, Culture, and Community Services Department 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.
2. The Director of Recreation, Culture, and Community Services may refer an application for a permit under this Bylaw to Council for consideration and determination.
3. If the Director of Recreation, Culture, and Community Services refuses a permit application under this Bylaw, the 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.

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.

1. 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.
2. Despite subsection 1, the Director of Recreation, Culture and Community Services has the authority to post areas where dogs are allowed off-leash, including limitations in time.
3. Any individual who owns, has care, custody, or control of an animal in any public park or Open Space must promptly remove any defecated matter deposited by the animal. The obligation to remove defecated matter does not apply to individuals certified as legally blind.
4. 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.

Research

For individuals wishing to conduct research or collect specimens within a park, the following requirements must be met:

1. Prior to conducting research or collecting specimens, an applicant must obtain a Research Permit from the City. The Research Permit serves as official authorization for the proposed activities and ensures compliance with applicable regulations.
2. While there is no fixed fee for a Research Permit, the applicant is responsible for reimbursing the City for any costs incurred during the surveying, examination, and inspection of the area affected by the application.
3. All research activities and specimen collection must comply with relevant municipal bylaws, and provincial and federal environmental regulations. This includes adhering to guidelines and protocols pertaining to the protection of flora, fauna, and ecological systems.
4. The Director of Recreation, Culture, and Community Services and/or the Director of Public Works Services reserves the right to deny or revoke a Research Permit based on the nature

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of the proposed research, noncompliance with this bylaw or provincial regulations, or any other concerns deemed inappropriate or unfit. Such decisions will be made in the interest of preserving the integrity of the park and its environmental resources.

5. If the Director of Recreation, Culture, and Community Services and/or the Director of Public Works Services refuses a permit application under this Bylaw, the 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.

Vehicle Usage

The intent of this section is to regulate the use of vehicles within parks and open spaces, including but not limited to motor vehicles, e-bikes, and cycles, to ensure that they are used safely and responsibly. This includes, but is not limited to:

1. Prohibitions for Motor Vehicle and Motorcycle Usage:
 - a. 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.
 - b. Usage of motor vehicles and motorcycles is prohibited in closed parks or closed parking areas.
 - c. Motor vehicle operation below the natural boundary or high tide mark is strictly prohibited.
 - d. Damaging natural features, park facilities, or improvements through motor vehicle operation is strictly prohibited.
 - e. Operating motor vehicles in a manner that obstructs the intended use of the park is prohibited.
 - f. 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 City, or unless otherwise posted.
2. Regulations for E-bikes and Bicycles:
 - a. Riding e-bikes and cycles is prohibited in closed parks or closed parking areas.
 - b. E-bike and cycle usage below the natural boundary or high tide mark is prohibited.
 - c. Usage of E-Bikes on trails within parks is strictly prohibited.
 - d. Damaging natural features, park facilities, or improvements through e-bike or cycle usage is strictly prohibited.
3. Age Restriction for E-bike Usage: No person under the age of 16 years is allowed to operate an e-bike in a park.
4. Impoundment of Violating Motor Vehicles: Any motor vehicle parked in violation of this bylaw may be removed and impounded. The motor vehicle owner is responsible for the cost of removal and impoundment before the vehicle will be returned.
5. Exceptions for Authorized Personnel and Access Permit Holders: Motor vehicles, e-bikes, and cycles used by authorized personnel for park maintenance, park patrols, security, or with written permission from the City are exempt from the above regulations.

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Park and Open Space Closures

The City Manager, Director of Recreation, Culture, and Community Services, Director of Engineering, 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.

1. A park or open space may be subject to closure, either in their entirety or specific areas, for various reasons, including but not limited to:
 - (a) Maintenance, Renovation, or Other Work: Temporary closures may be required to conduct maintenance, renovation, or other work within the park, ensuring the upkeep and improvement of facilities.
 - (b) Safety of Park Users or Staff: Closures may be implemented to safeguard the well-being of park users and staff in situations involving ongoing construction activities or the presence of hazardous conditions.
 - (c) Any other reason as deemed appropriate by the City Manager, Director of Recreation, Culture and Community Services or the Director of Public Works Services.
2. Authorized personnel mentioned above are responsible for prominently displaying closure notices at park entrances or specific areas within the park. These notices communicate the closure and its implications to the public, ensuring compliance with the closure measures for the safety and security of all park users.

Part IV - Protection of Parks and Open Spaces

Damage to the environment and structures

The natural and built environments in parks and open spaces are valuable resources that enhance the community'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 following provisions have been established to preserve the natural and built environments in parks and open spaces.

1. No person shall cut down, prune, or alter any vegetation in a park without first obtaining prior authorization from the Director of Public Works Services, and then only strictly following such authorization.
2. 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.
3. 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.

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Substance Use

The City recognizes that substance use can negatively impact individuals and communities and aims to support harm reduction, prevention, and treatment services in partnership with other agencies and stakeholders. This bylaw is intended to be implemented in alignment with health orders and recommendations, in the interest of safety and well-being of all individuals and communities.

A person must not do any of the following activities in a park or open space:

1. 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.
2. Consume cannabis, as defined in the Cannabis Control and Licensing Act
3. Consume nicotine / smoke (include e-cigarettes) in accordance with recommendations from the Comox Valley, Strathcona, North Island medical health officer
4. Consume illicit drugs, as defined by the Controlled Drugs and Substances Act.

Waste Disposal and Littering

The City is committed to maintaining clean and litter-free parks and open spaces for the enjoyment of all users., the City has established regulations to ensure proper waste management.

1. It is prohibited to deposit any waste, other than on-site refuse, within a park or community facility, and waste must only be placed in designated waste receptacles provided by the City.
2. No individual is permitted to transport or dispose of any kind of refuse, except on-site refuse, within a park or open space.
3. Disposing of any household or commercial waste within a park or open space is strictly prohibited, including prohibited within designated waste receptacles
4. 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.

Behaviour and Conduct

The City is dedicated to creating safe and accessible parks and open spaces for all community members to enjoy. 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.

The following provisions aim to ensure that individuals using the City's parks and community facilities do so in a safe and respectful manner.

1. 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.
2. Disorderly, dangerous, or offensive behavior is not allowed in parks and open space.

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3. 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.
4. 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.
5. Entering or using any frozen or apparently frozen body of water in a park is prohibited unless posted authorization indicates otherwise.
6. 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.
7. Preventing or obstructing other individuals' free use and enjoyment of parks or open Spaces is not permitted unless authorized through a valid permit.
8. 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.

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. 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.

1. 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.
2. Individuals who are asked to move by City employees must comply with the request and remove all of their property as directed.
3. It is prohibited to obstruct or interfere with the duties of City employees in a park or open space.
4. Interfering with a bylaw officer in performing their duties, including issuing tickets or notices, is prohibited under this Bylaw.

Fire and Firearms

The following fire and firearms provisions aim to prevent fire risk and ensure public safety in parks and open spaces.

1. No individual may undertake the following activities in a park:
 - (a) Discharge a firearm, air gun, air rifle, air pistol, or spring gun;
 - (b) Discharge a bow, as defined in the Wildlife Act;
 - (c) Fire or explode any combustible or explosive material, except for fireworks, as allowed by the Fire Protective Services Bylaw No. 2556;
 - (d) Discard or place any burning substance in park or open space.
2. No person may keep, store, or use in a park:
 - (a) An open flame appliance such as a barbecue, stove, heater, or any other appliance with an open flame; or

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- (b) A flammable gas or liquid container such as a propane tank, gasoline container, or any other flammable gas or liquid.
- 3. Subsection (2) does not apply to a barbecue or a propane camping stove used for cooking food, provided that it:
 - (a) Is used according to the manufacturer's instructions;
 - (b) Is certified for outdoor use by the Canadian Standards Association (CSA);
 - (c) Is located at least 2 meters away from any building or structure, including temporary shelters, erected or maintained in accordance with subsection (X), or is located within a designated area for use by the City.
 - (d) Is not used in any park or location where open flames are explicitly prohibited.
- 4. 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 Fire Fighter.

Part V – Temporary Sheltering

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.

- 1. Where there is no accessible shelter accommodation available in the City, individuals who are unhoused or unsheltered 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.
 - b) They construct a temporary shelter in compliance with this by-law.
- 2. Erecting temporary shelters is permissible only during the hours from 7:00 p.m. one day until 9:00 a.m. the following day.
- 3. 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.
- 4. Temporary shelters must adhere to the following regulations:
 - a) 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
 - ii. in, on or within a:
 - A. beach, pond, slough or dock;
 - B. trail, bridge, seawall, roadway or park entrance;
 - C. environmentally protected natural area;
 - D. culturally significant area;
 - E. garden, community garden or horticultural display area;
 - F. pool or water park;

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- G. sports field, sports court, skate park, or fitness amenity;
 - H. fieldhouse;
 - I. bleacher, stage, gazebo, plaza, public monument, pavilion, designated picnic site, picnic shelter or washroom;
 - J. designated off-leash dog area; or
 - K. area identified by signs prohibiting or restricting sheltering in that location; or
 - L. designated areas of Park or Open Space that have otherwise been issued a permit pursuant to this Bylaw;
- b) must not impede public use of, or access to, a park or facility;
 - c) must not hinder or interrupt the ability of staff or contractors to perform their work, as set out in section X of this by-law;
 - d) must not contain any campfire, lighted candles, or propane lanterns or stoves, or other similar devices;
 - e) must not be used to sell goods or conduct business without the permission of the City Manager, as set out in sections X and X of this by-law; and the Business License Bylaw No 2523;
 - f) must not be left unattended.

PART VI – Environmentally Sensitive Areas

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.

1. To ensure the protection of environmentally sensitive areas within parks as outlined in Schedule B of this bylaw, all forms of sheltering and recreational activities are strictly prohibited in these areas, unless designated zones within these areas have been specifically designed and approved for such purposes.
2. The City may establish additional measures, such as signs or fencing, to clearly identify and protect environmentally sensitive areas.

PART VII – Unsafe Conditions

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:

1. If an unsafe condition is identified, the City, through its designated representatives, has the authority to take immediate corrective action to eliminate or mitigate the unsafe condition. This may include but is not limited to, securing, or removing hazardous objects, repairing damaged infrastructure, or closing off areas posing significant risks.
2. The City 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. The responsible party is required to promptly address the identified safety concerns and take appropriate measures to rectify the situation.

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3. Failure to address unsafe conditions or non-compliance with the required remedial actions may result in penalties, fines, or legal consequences, as determined by the City.

PART VIII – Enforcement & Penalties

This section intends to provide the means to enforce the provisions of this bylaw, using various enforcement measures as deemed appropriate by the City. 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.

Enforcement Measures:

Any person who contravenes any provision of this bylaw is guilty of an offence and may be subject to one or more of the following enforcement measures:

- (a) Fines or penalties as provided for by law.
- (b) Orders to vacate or other appropriate directives.
- (c) Prosecution of offenders in accordance with applicable laws.

Failure to comply with the provisions of this bylaw or the conditions of relevant permits may result in the imposition of fines, penalties, or the revocation of the permit, as determined by the Recreation, Culture, and Community Services Department or Bylaw Services.

Non-compliance with applicable provincial regulations in conjunction with this bylaw may lead to penalties or legal consequences as stipulated by the relevant provincial authorities.

PART VIII - 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.

Part VIII - 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.

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Schedule A – Parks where sheltering is prohibited.

1. 13th Street Park
2. 26th Buffer Park
3. Air Park
4. Anderton & 1st
5. Arden Road
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. Sandwich Park
44. Second Street Park
45. South of City Park
46. Tarling Park
47. Valley View Greenway
48. Vanier Nature Park