

CITY OF PARKSVILLE

BYLAW NO. 1523

Consolidated for convenience only to include Bylaw No. 1523.1 and 1523.2

PARKS AND PUBLIC OPEN SPACES BYLAW

A bylaw to regulate use of municipal property owned or held by the City for recreation, institutional or community uses

WHEREAS, section 8(3) of the *Community Charter* Chapter 26 (SBC 2003) permits Council to regulate, prohibit and impose requirements to in relation to public places;

AND WHEREAS the City deems it appropriate and necessary to regulate land use within parks and public spaces to protect and enhance recreational areas, preserve natural and environmental conditions of parks and open spaces, promote safety and enjoyment of community users of park space and avoid conflicts of use within parks and public open spaces;

AND WHEREAS the City holds certain properties for institutional, recreation, tourism and community uses;

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

1.0 CITATION

1. This bylaw may be cited as "Parks and Public Open Spaces Bylaw, 2016, No. 1523".

2.0 DEFINITIONS

City means the City of Parksville;

Coastal Protection Development Permit Area means the area designated on Schedule 'E' of "Plan Parksville: A Vision for our Future, Official Community Plan Bylaw, 2013 No. 1492" as the Coastal Protection Development Permit Area No. 11, consisting of a linear strip extending 60 metres inland parallel from the natural boundary of the ocean, as shown on attached Schedule A of this bylaw;

Community Park means the waterfront park described as Parcel "B" (DD34903I) of Lot 13, Nanoose District, Containing 39 acres more or less, except that part in plans 29279 and VIP52583, as shown on attached Schedule B of this bylaw;

Council means the Council of City of Parksville;

Bylaw Compliance Officer means the Bylaw Compliance Officers, or their delegates as designated by the City of Parksville and includes peace officers as defined in the *Community Charter*;

emergency vehicle means the same as defined in the provincial *Transportation Act*;

food concession trailer means a trailer, truck, van or other vehicle of not more than 10 metres in length designed and used for the preparation and sale of food and/ or beverages to the public for immediate consumption, in compliance with provincial health regulations;

Foster Park means the areas designated as Foster Park by the City of Parksville 2005 Open Space and Parks Master Plan and legally defined as Lots 1 and 2, District Lot 87, Nanoose District, Plan 46927 and includes the surrounding trail legally defined as park on Plan EPP43907;

highway includes highways as defined by the *Community Charter* and includes a street, roadway, trail, pathway or public right of way set apart and improved for the use of pedestrians, cyclists, or vehicular traffic;

homeless person means a person with no fixed address or no predictable residence to return to on a daily basis;

litter means garbage, refuse and waste materials of any kind;

liquor means fermented, spirituous and malt liquor, a combination of liquors, drinks and drinkable liquids that are or may be intoxicating when consumed;

Bylaw 1523.2 adopted July 20, 2023, added the definition of "Memorial Avenue Public Square"

Memorial Avenue Public Square means the City owned land that includes the public square designated as Memorial Plaza, adjacent public parking area at 146 Memorial Avenue, the sidewalks, planters and boulevard adjacent to the roadway section from the intersection of Memorial Avenue and McMillan Street to the intersection of Memorial Avenue and Alberni Highway, as shown on Schedule E;

motor vehicle means a vehicle, not run on rails, that is designed to be self-propelled or propelled by electric power, and includes automobile, bus, motor cycle, golf cart, taxi, limousine and other commercial vehicles, but does not include emergency vehicles;

park means play lots, playgrounds, play fields, bowling greens and other public recreation places, grass plots, public squares, open spaces which are owned, controlled or operated by the City and which are reserved, dedicated or used for public park and open space purposes, and includes lands designated as Sensitive Areas;

Parksville Qualicum Wildlife Management Area means the provincially designated area consisting of the entire foreshore fronting the City of Parksville;

Bylaw 1523.1 adopted April 16, 2018, added the definition of "Parksville Wetlands"

Parksville Wetlands means the City owned land designated as park, with the civic address of 790 Hirst Avenue West, and legally described as District Lot 16, Nanoose District, Except Part in Plans 879 OS, 988 BL, 31745, VIP52134 and VIP62665, including areas of the property designated within Wildfire Interface Management Development Permit Area No. 10, Watercourse Protection Development Permit Area No. 13 and Douglas-fir and Terrestrial Ecosystems Development Permit Area No. 15 and the railway corridor which transects the property, as shown on Schedule D;

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

Bylaw 1523.2 adopted July 20, 2023, replaced the definition of "Sensitive Areas" with the following:

Sensitive Area means:

- the upland area designated in Plan Parksville as the Coastal Protection Development Permit Area No. 11, as indicated on Schedule A,
- the Community Park, as indicated on Schedule B,
- Springwood Park and the municipal well sites, as indicated on Schedule C,
- Parksville Wetlands and the municipal wells and railway corridor as indicated on Schedule D,
- Memorial Avenue Public Square as indicated on Schedule E.

Springwood Park and municipal wells means the following lands:

- areas designated as Springwood Park, located at 500 Despard Avenue West, legally described as Lot 1, Block 725 and 1353, Nanoose District, Plan VIP62406 (PID: 023-293-136) and shown on the map attached as Schedule C,
- the City's well fields, as shown on the map attached as Schedule C of this bylaw;

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

3.0 GENERAL PROVISIONS AND RESTRICTIONS

With the exception of a City employee in the performance of his duty, no person shall do the following things in a park:

1. Destroy, damage, climb, break, remove or injure any tree, shrub, plant, turf or flower.
2. Plant any tree, sapling or flower without the written permission of the Director of Operations or designate.
3. Deface any wall, fence or other structure in or on any park or cause there to be any unauthorized writing or graffiti placed on any wall, fence or other structure in or on any park.
4. Subject to section 4.1 and 4.2 of this bylaw, build or cause to be built any structure of any kind, including a tent, except when authorized by the City.
5. Subject to section 4.1 and 4.2 of this bylaw, undertake by any method or means of overnight accommodation except for security measures during City sanctioned special events or activities.
6. Foul or pollute any fountain, beach, pool, pond, stream or other body of water.
7. Obstruct the free use and enjoyment of the park by any other person.
8. Set fire to or discharge any fireworks or other explosive material of any kind without the written authorization from the City.

9. Make a fire or throw or place on the ground any lighted match, cigar, cigarette or other burning substance.
10. No owner or occupier of a motor vehicle or recreational vehicle shall permit such vehicle to enter or remain in a park between the hours of 11:00 pm and 6:00 am except when authorized by the City.
11. No owner or occupier of a motor vehicle or recreational vehicle shall permit such vehicle to be parked in or on any area other than an established parking area unless such vehicle is an emergency or municipal vehicle or authorized by the City.
12. Interfere with or obstruct any employee of the City in the performance of his duty.
13. Use or operate any device in such a manner as to disturb the enjoyment of the park by other persons.
14. Possess liquor at any time except where the said liquor is possessed pursuant to and in compliance with a licence under the *Liquor Control and Licencing Act*.
15. Operate any boat, water-ski or other contrivance so as to endanger or interfere with persons using the water for swimming or wading or to harass wildlife.
16. Deposit, leave, discard or place litter, personal belongings, or debris of any kind except for within designated recycling or refuse receptacles.
17. Except where permitted on designated concession pads within the Community Park or authorized by the City of Parksville through written agreement or special event permit, locate, park or operate a food concession trailer.
18. Except where authorized by a special event permit, use or permit the use of equipment to amplify music, announcements or performances in a park.

4.0 OVERNIGHT ACCOMMODATION AND ERECTING STRUCTURES

1. A homeless person may take up overnight accommodation and erect and occupy a Temporary Shelter in a park, between the hours of 7:00 pm on one day and 9:00 am the following day, provided the homeless person:
 - (i) does not erect the shelter within 40 metres of the playground in Foster Park, within 10 metres of any other playground, sports field, tennis court, picnic shelter, gazebo, water park, public washroom, ornamental garden or horticultural display;
 - (ii) does not erect the shelter on or within 5 metres of an established trail;

Bylaw 1523.1 adopted April 16, 2018, added the following clause after subsection (ii) and renumbered the remaining clauses accordingly:

- (iii) does not erect the shelter within 30 metres of a municipal well;
 - (iv) does not damage or alter city property, including fencing, trees, shrubs, plantings, benches, or other municipal equipment or infrastructure;
 - (v) removes the shelter completely by 9:00 am each morning and does not leave possessions, debris, litter or any other article behind;
 - (vi) does not obstruct a highway or interfere with the lawful use of a person or vehicle using a highway;
 - (vii) does not obstruct a city employee in the performance of his duty;
2. Cooking Fires: A homeless person may utilize a fire for the purpose of cooking, provided the source of burning materials is charcoal, wood, propane or natural gas contained within a hibachi, barbeque or fire pit having a surface area not greater than 0.5 square metres and covered by a grate.

Bylaw 1523.1 adopted April 16, 2018, replaced Section 3 in its entirety with the following:

3. Notwithstanding section 4.1, the following activities are prohibited in a Sensitive Area:
- (i) overnight accommodation;
 - (ii) the erection of Temporary Shelter; and
 - (iii) the occupancy of a Temporary Shelter erected by another person; and
 - (iv) open burning for any purpose.

5.0 OFFENCE AND PENALTY

1. Any person who contravenes any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty imposed by this bylaw shall:
- (a) Be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000) for each offence.
 - (b) Be subject to fines contained within the "City of Parksville Bylaw Offence Notice Enforcement Bylaw, 2013, No. 1486" and amendments thereto.

READ A FIRST TIME this 4th day of April, 2016

READ A SECOND TIME this 4th day of April, 2016

READ A THIRD TIME this 4th day of April, 2016

RECONSIDERED AND FINALLY ADOPTED this 18th day of April, 2016

Original signed by M. Lefebvre

Mayor

Original signed by C. Kehler

Corporate Officer

Consolidated under the provisions of the *Community Charter* to include Bylaw 1523.1 and 1523.2. Printed under the authority of the Corporate Officer of the City of Parksville this 25th day of July, 2023.




Original signed by A. Weeks

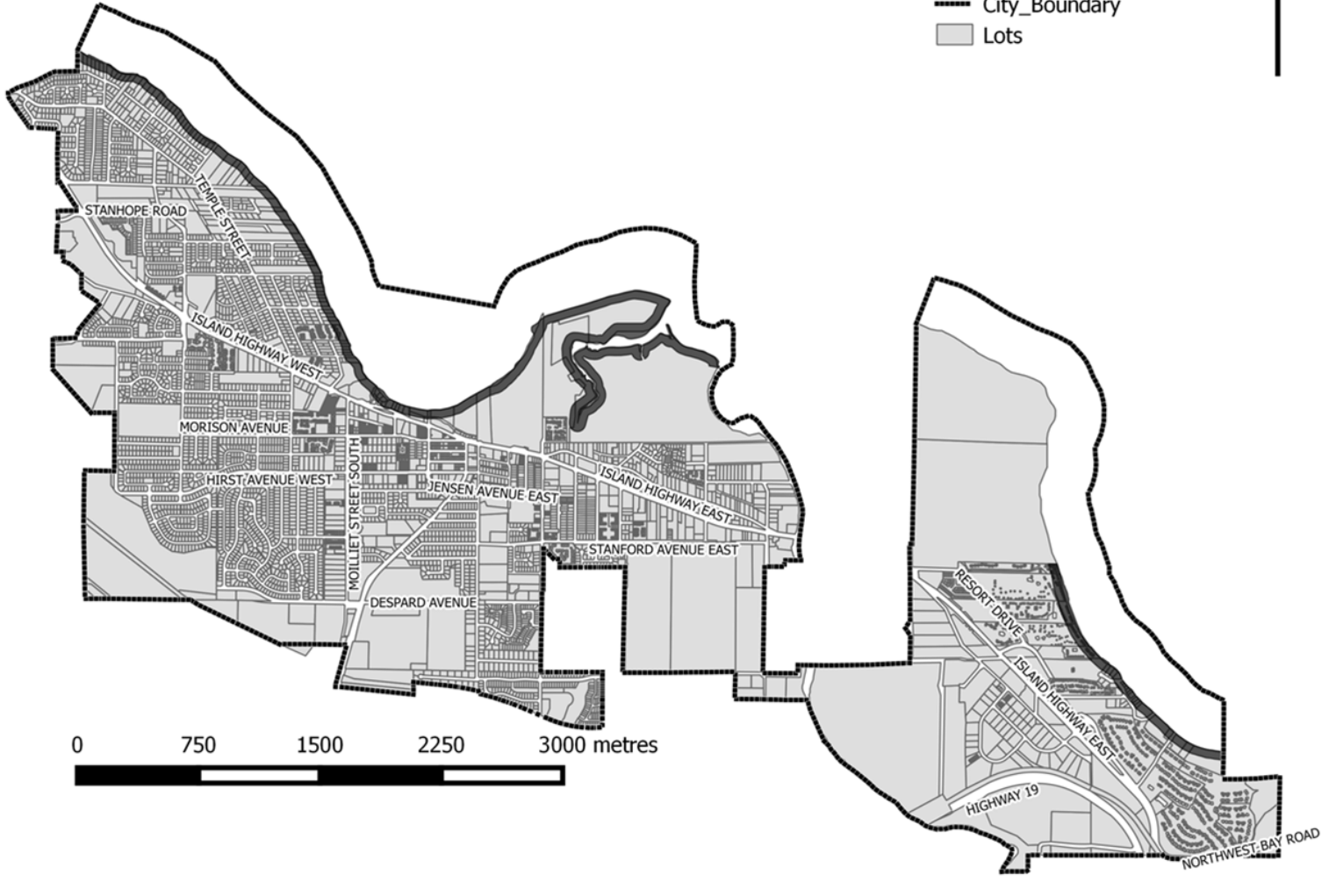
Corporate Officer

Schedule A
Sensitive Area – Location of Coastal Sensitive Area

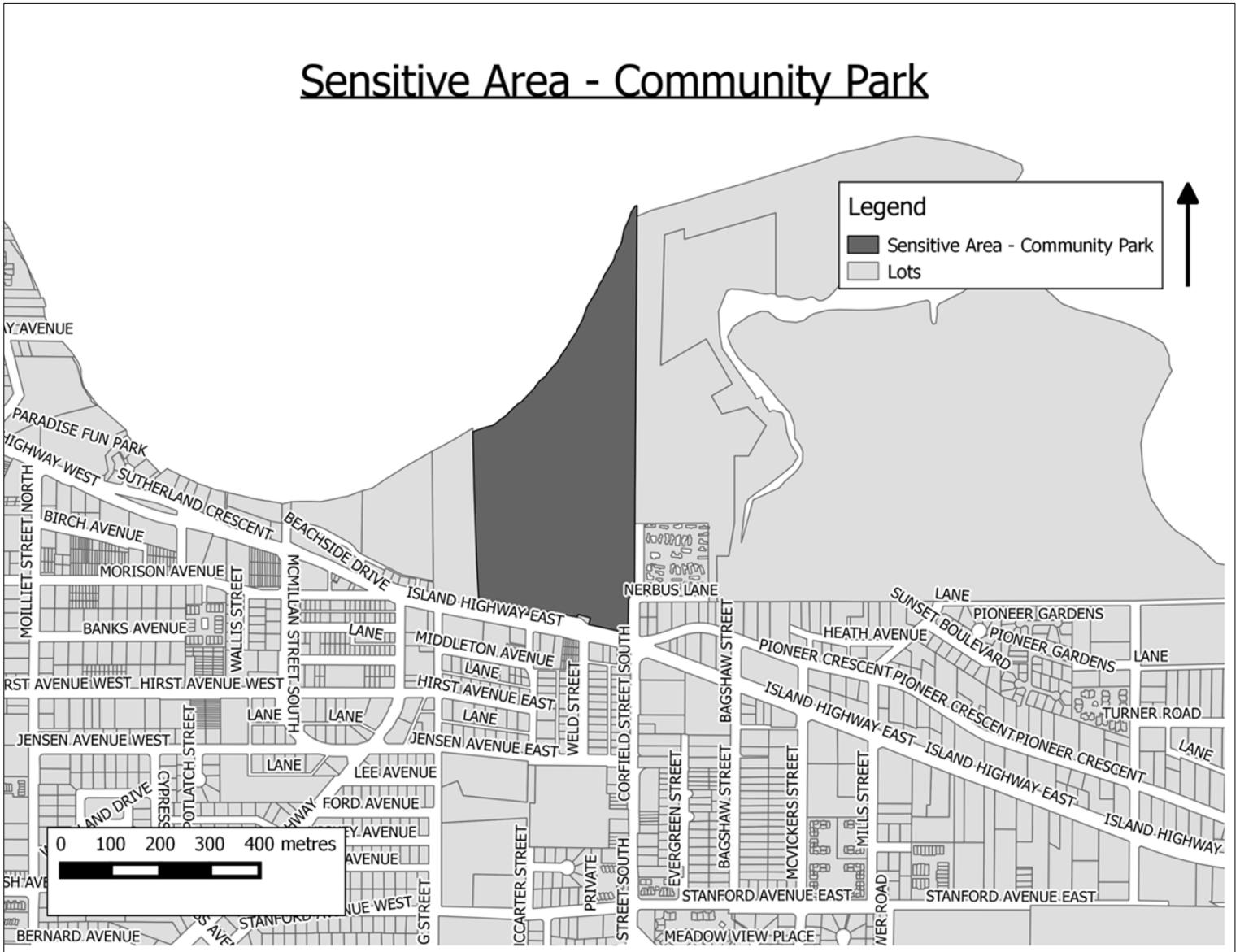
Sensitive Area - Coastal

Legend

-  Sensitive Area - Coastal
-  City_Boundary
-  Lots

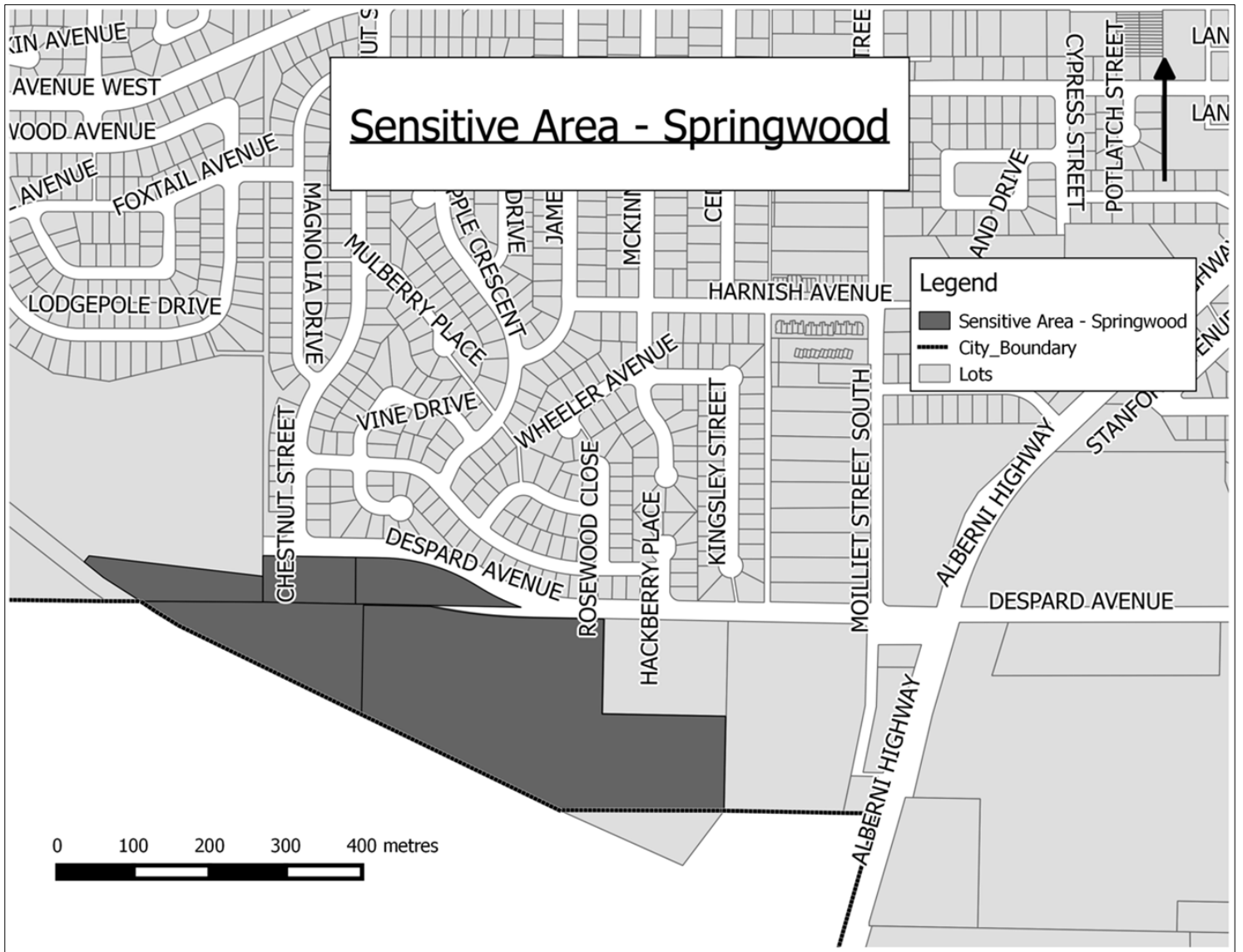


Schedule B Location of Parksville Community Park



Schedule C

Location of Springwood Park and Municipal Well Sites:



Bylaw 1523.2 adopted July 20, 2023, added Schedule E

Schedule E

Location of Memorial Avenue Public Square:

