



# REPORT TO COUNCIL

To: **Mayor Schaffer and Councillors**

Subject **New Parks and Public Facilities Regulation  
Bylaw 3048**

Report #: 18-02

From: K. Kenney, Corporate Officer

File #: 3900-00

Doc #:

Date: May 1, 2018

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## RECOMMENDATION:

THAT the bylaw cited as “Parks and Public Facilities Bylaw, 2018, No. 3048” be read a first time.

THAT the bylaw cited as “Parks and Public Facilities Bylaw, 2018, No. 3048” be read a second time.

THAT the bylaw cited as “Parks and Public Facilities Bylaw, 2018, No. 3048” be read a third time.

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## PURPOSE:

To present a new Public Facilities Regulation Bylaw for consideration of three readings and subsequent adoption. The new bylaw includes the following updates:

- adding regulations with respect to overnight sheltering in parks;
- identifying Douglas Park as a park within the City where overnight sheltering is prohibited;
- including motorized scooters, segways, hoverboards and shopping carts within regulations pertaining to restrictions for use in parks and public facilities;
- adding prohibitions with respect to behaviour and conduct in parks and public facilities, including:
  - urinating or defecating in a park or public facility
  - not wearing proper attire

- obstructing the free use and enjoyment of a park or public facility by another person
- authorizing the removal of individuals from parks or public facilities who violate behaviour and conduct regulations contained in the bylaw;
- updating and adding new definitions in the bylaw to provide greater clarity (ex. “Park”, “Public Facility”, “Temporary Shelter”, “Homeless Person”)
- adding schedule with map to the bylaw to delineate park area where overnight sheltering is prohibited;
- adding radio controlled boats and drones as prohibited activities at a park or public facility unless the activity is specifically authorized by a City staff person.

## **POLICY:**

The purpose of the Parks and Public Facilities Bylaw is to govern the management and use of parks and public facilities held by the City, and to promote and protect the welfare of all users of parks and public facilities held by the City.

## **COMMENTS/ANALYSIS:**

The last significant update to the Parks and Public Facilities Bylaw was undertaken in 2004. Since that time, social issues such as homelessness and lack of supportive housing, have created new challenges for the City in terms of balancing the needs of parks and public facilities users with the needs of those persons without shelter in the City.

The Supreme Court of British Columbia has considered the issue of some municipalities, through bylaws, prohibiting individuals from utilizing parks for overnight sheltering, including homeless persons. The Supreme Court has subsequently ruled that a complete prohibition of overnight sheltering in parks is a violation of the Canadian Charter of Rights and Freedoms in most circumstances. Accordingly, many municipalities, such as Abbotsford and Victoria, have recently adopted new bylaws that allow overnight sheltering in parks, but regulate, among other things, the length of time individuals may utilize parks for such overnight sheltering, as well as prohibit overnight sheltering in specific parks that are determined to be inappropriate for overnight sheltering.

The proposed new bylaw addresses the right of individuals to shelter overnight in parks at those times when there is no accessible shelter accommodation available to them nearby.

At the same time, in seeking to balance the needs of all parks users, the bylaw also identifies a specific park where overnight sheltering would be prohibited, that being Douglas Park.

Considerations for prohibiting overnight sheltering in Douglas Park include:

- The park's proximity to Douglas Park Community School which is in use year round;
- Douglas Recreation Centre is located in the park and holds pre-school programs that start at 7:00 am Monday to Friday, day camps in winter, spring and summer that start at 7:00 am Monday to Friday as well as evening and weekend programs and activities which include children's programs;
- Spirit Square in Douglas Park is a performance and events venue with events being held during evenings and weekends in the summer months.

Another issue associated with homelessness is the proliferation of shopping carts at parks and public facilities. In order to address this issue, restrictions on the use of shopping carts in parks and public facilities have been included in the new bylaw.

New technology, such as drones, has created privacy and safety challenges in municipalities. Accordingly, the use of such equipment has been included in the new bylaw as a prohibited activity in parks and public facilities. The use of radio-controlled boats has also been added as a prohibited activity in parks in order to, among other things, protect water fowl.

Motorized scooters, segways and hoverboards can travel at relatively high rates of speed and therefore pose a safety risk to others. Accordingly, they have been included in the definition of "vehicle" within the new bylaw, and are subject to the regulations pertaining to vehicles in parks and public facilities in terms of, among other things, where they may be used and at what speed they may travel. Exceptions are provided in the new bylaw for wheelchairs or similar devices required by an individual for mobility due to a disability, as well as for strollers, carriages or similar devices being used for the transport of children.

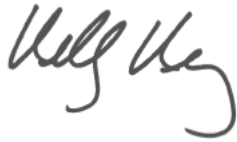
## **BUDGET IMPLICATIONS:**

A proposed amending bylaw to the Municipal Ticket Information System Bylaw has been prepared to update fine amounts, section references and prohibitions relative to the proposed Parks and Public Facilities Bylaw.

**ALTERNATIVES:**

Council may wish to refer the draft bylaw back to staff with direction on revisions to be made to the bylaw for Council's further consideration.

Respectfully Submitted,



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Kelly Kenney, Corporate Officer

Concurrence:



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Rick Bomhof, Director Engineering  
Parks and Environment

Concurrence:



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Kim Hilton, Director, Recreation, Culture  
and Community Services

Attachment(s):

1. Proposed Bylaw No. 3408
2. Current Bylaw No. 2515

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

I support the recommendation.



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Francis Cheung, P. Eng.  
Chief Administrative Officer