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*THE DISTRICT OF THE DISTRICT OF CENTRAL SAANICH*

**BYLAW NO. 804**

A Bylaw for the management, control and use of Parks Beaches and other public places within the District of the District of Central Saanich.

**CONSOLIDATED FOR CONVIENCE**

**(Amended by Bylaw No. 1373 and 1996)**

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The Municipal Council of the Corporation of the District of Central Saanich, in open meeting assembled, ENACTS AS FOLLOWS:

**INTERPRETATION**

1. In this Bylaw, unless the context otherwise requires:

"Beach" means all marine foreshore in the District of Central Saanich;

"Bylaw Enforcement Officer" means that person appointed by the District, whether officially titled as such or not, or any person delegated to assist in carrying out their duties under this bylaw, and includes any peace officer;

"District" means the District of the District of Central Saanich;

"Driveway" means any access to the highway set apart and improved by grading, gravelling or any other means approved by the Municipal Engineer;

"Foreshore" means that area of the shoreline between the high water mark and the low water mark;

"Homeless Person" means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.

"Municipal Clerk" means the person duly appointed by Council to serve as Municipal Clerk and any person law- fully acting in that capacity;

"Municipal Engineer" means the person duly appointed by council to serve a Municipal Engineer and any person lawfully acting in that capacity;

"Park" means all those lands in the District of Central Saanich reserved or dedicated as park by Bylaw, or dedicated as park by the deposit of a subdivision or reference plan, or conveyed in trust to the District of Central Saanich for the purpose of park;

"Power Saw" means a saw powered by an internal combustion engine;

“Prohibited Area” means maintained or landscaped public lawns, beaches, playgrounds, gardens, tennis courts or other sports facility courts, sports fields, dugouts, stages, bleachers, washroom facilities, picnic shelters, gazebos, pathways, driveways, roadways, lanes, bridges, docks, wharfs, boulevards, areas of a Park that have otherwise been issued a permit pursuant to this bylaw, and all other offices, community and recreational facilities, and parking lots that are owned by the District.

“Public Lands” means any lands under the care, management and jurisdiction of the District of Central Saanich

"Roadway" means that portion of the highway constructed for use by vehicular traffic or in regular use by vehicular traffic;

“Temporary Overnight Shelter” means the use of structures, improvements, 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 to allow Persons relief from the elements during periods of rest;

"Vehicle" means a conveyance for the carriage of persons and things whether drawn by animals or propelled by any mechanical, muscular or other motive power including bicycles, tricycles, skateboards, roller skates or any other velocipede.

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.
3. No person shall cut, break, injure, remove or in any way destroy or damage any tree, shrub, plant, turf, seat, bench, swing, playground equipment or ornament of any kind in any park, beach, or other public place.
4. No person shall deface or destroy in any way any wall, fence, rock, tree or any other structure in or on any park, beach, or other public place.
5. The District may post signs or notices in any park, beach, or other public place, for the purpose of notifying persons of the regulations contained in this or any other bylaw.
6. No person, without lawful excuse, except an authorized employee of the District, shall travel across, or use any grass plot or land where such use is prohibited.
7. No person shall foul or pollute with decayed vegetables, carrion, or other organic waste, dung, noxious substances or filth of any kind any fountain, lake, stream, river or pond in any park, beach, or other public place.
8. No person shall deposit or dispose of any garbage, offensive matter or substances of any kind in or on any park or in any lake, stream, pool, fountain, river, or pond within any park, beach, or other public place, except in receptacles provided for such purpose; however, no person shall

use the receptacles for disposal of household garbage, junk, building waste or like material hauled to the receptacle specifically for the purpose of disposal.

9. No person shall deposit on the ground any lighted match, cigar, cigarette or other burning substance within the limits of any park, beach, or other public place.
10. No person, shall injure, deface or destroy any sign or notice lawfully posted or affixed to anything in or on any park, beach, or other public place.
11. No person, other than an employee of the District, in the course of his duties shall remove any sand, soil, or plants from a park or any beach or excavate, dig, cut into or open up the natural terrain of any park, beach, or other public place, unless authorized by the Municipal Engineer or his designate.
12. No person shall light, ignite or maintain an open fire in any park or on any beach without first obtaining a written permit issued by the District Fire Department.
13. No person may erect or construct, or cause to be erected or constructed, a tent, building or structure, including a temporary structure such as a tent, in a park without first obtaining written permission from the District.

(a) Despite Section 13(1) of this bylaw, where there is no accessible shelter accommodation available in the District, a Homeless Person may erect, occupy, and use a Temporary Overnight Shelter:

- (i) on Public Lands that is not a Prohibited Area or
- (ii) in any area within a park that has not been designated for an event or activity under a valid and subsisting permit issued under the authority of this bylaw,

provided that the Homeless Person complies with all other provisions of this bylaw.

(b) Temporary Overnight Shelters shall only be erected, occupied or used each evening between the hours of 7:00 p.m. on one day and 9:00 a.m. of the following day, provided that the Homeless Person:

- (i) not erect the Temporary Overnight Shelter until after 7:00 p.m. on one day;
- (ii) take down and remove the Temporary Shelter prior to 9:00 a.m. of the following day.

(c) Each Temporary Overnight Shelter referred to in Section 13A(b) above may only cover an area of less than 10 m<sup>2</sup> and may not adjoin, abut, or be connected to any other Temporary Overnight Shelter.

(d) A Temporary Overnight Shelter shall not be erected, occupied, or used in, on, within, or attached to any Prohibited Area.

- (e) All Persons erecting, occupying, or using a Temporary Overnight Shelter on Public Lands shall be required to remove the Temporary Overnight Shelter and all possessions, wastes, and other incidental materials associated therewith from said Public Lands at any time other than the permitted times stipulated under Section 13A(b) above.
  - (f) Any Temporary Overnight Shelter on Public Lands that is found:
    - i) in, on, within, or attached to any Prohibited Area; or
    - ii) during times not authorized by this Bylaw, shall be unlawful and subject to enforcement and removal, including the removal of any possessions, waste, and other incidental materials in, at, or near the erection, occupancy, or use of the Temporary Overnight Shelter.
  - (g) All Persons using Temporary Overnight Shelter on Public Lands shall be required to comply with all other provisions of this Bylaw and any other applicable District Bylaw, and Provincial or Federal Act or Regulation.
  - (h) Without limiting any other authority granted under this Bylaw, a Bylaw Enforcement Officer may remove or cause to be removed from Public Lands any Temporary Overnight Shelter that is not in compliance with this Bylaw, including any camping equipment, or possessions in, at, or near the Temporary Overnight Shelter.
  - (i) No Person shall obstruct, hinder, or interfere with a Bylaw Enforcement Officer, or any other person acting in the course of his/her duties at or near the erection, occupancy, or use of a Temporary Overnight Shelter on any Public Lands within the District.
14. No person, without written permission from the District, shall use an amplification device, broadcast or make other noise that disturbs or tends to disturb the free use and enjoyment of any park or any beach by any other person.
15. No person shall sell or offer to sell any refreshments, goods or services or conduct any business in any park or on any beach save and except with written permission from the District.
16. No person shall operate, drive or propel any vehicle from the purpose of advertising by the use of an amplification device, broadcasting or displaying notices of any kind in any park, without first obtaining a written permit from the District.
17. No person shall post, paint or distribute any advertisement or sign, placard, or hand bill of any kind, whatsoever, in any park or on any beach, without written permission from the District.
18. No person shall play or cause to be played on any court, green, grounds or lawn, a tournament or series of games in any park, without first obtaining permission from the District.

19. No person shall:

- (a) Play ball or any game in any park or on any beach so as to interfere with or become a nuisance or a hazard to other persons using the park, beach, or other public place;
- (b) Interfere with, obstruct, impede, hinder, or prevent the discharge of duties of any attendant, or other person engaged in supervising, controlling, instructing or overseeing activities, or engaged in maintenance, at or on any public beach or park under his supervision or control;
- (c) Operate any power saw on any park, beach, or other public place, except authorized personnel;
- (d) Play golf or strike a golf ball on or in any public park.

20. No person shall molest, disturb, frighten, injure, catch, trap, or snare any bird or animal in any park, beach, or other public place, except those authorized by the District.

21. No person shall suffer or permit any animal owned, housed, or harboured by him or in his charge to be in any park or on any beach except in accordance with the "DISTRICT OF CENTRAL SAANICH ANIMAL CONTROL BYLAW."

22. Notwithstanding any provision in this Bylaw, nothing shall interfere with any rights of any blind person with a guide dog as set out in the Blind Person Act R.s.B.C. 1 79 C29.

23. No person shall, except where expressly authorized, without lawful excuse, ride or drive any horse or any other animal or drive or propel or permit to be driven or propelled, or parked, any vehicle on or within any park except on authorized pathways or areas, or drive or ride any animal, or drive or propel or permit to be driven or propelled any vehicle on any path, driveway or roadway allotted for pedestrian use only but invalid wheelchairs and children's carriages may be used on pathways in such manner as not to interfere with the free use of such paths by pedestrians.

24. No person shall use, occupy or travel along any driveway, roadway, or path in or on any park in such a manner as to cause an obstruction or impediment to any persons or traffic lawfully using same in any park, beach, or other public place.

25. Council may direct the removal from any park or any beach any obstruction or thing placed there or thereon contrary to the provisions of this bylaw.

26. No person, except a park caretaker, shall clean any vehicle in any park.

27. Every park within the Municipality owned or controlled by the District shall be and shall remain closed to the public from and after the hour of eleven (11) o'clock in the afternoon until the hour of six (6) o'clock in the forenoon in each and every day in each and every week.
- (a) No person shall be in any District park between the hours of 11:00 p.m. and 6:00 a.m. on any day unless that Person is a bonafide user as stated in Section 13A of this bylaw.
  - (b) Notwithstanding the hours of park closure as noted above, the hours of closure for Gore Nature Park shall be from nine (9) o'clock in the afternoon until six (6) o'clock in the forenoon in each and every day in each and every week."
28. No person shall enter or be in any park as aforesaid, or leave or cause to leave a motor vehicle, at anytime when the same shall be closed to the public as herein before provided.
29. (a) Any peace officer may remove, or cause to be removed any vehicles that are found to be parked in contravention of Section 29 and 30 of this Bylaw, or driven or parked in contravention of Section 23 of this Bylaw.
- (b) All costs and charges for the removal, care or storage of a motor vehicle removed under this Section shall be paid by the owner of the motor vehicle, and shall be a lien on it in favour of the keeper of any repair shop, garage or storage place in which that motor vehicle is stored. The lien may be enforced by him in the manner provided by the Repairers Lien Act or the Warehouse Lien Act.
30. (1) A person commits an offence and is subject to the penalties imposed by this bylaw, the Municipal Ticket Utilization Bylaw and amendments thereto, and the Offence Act if that person:
- (a) contravenes a provision of this Bylaw,
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
  - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
31. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

***Adopted: October 7, 1985***

***Amended by Bylaws: 1373 and 1996***