

PARKS MANAGEMENT AND CONTROL BYLAW, 1997, NO. 7753

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Includes Bylaw Amendments:
No. 7831, 8010, 8662, 8731, 8773, 8966, 9039, 9489, 9513, 9547 and 9568.

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 7753

FOR THE MANAGEMENT, CONTROL AND USE OF PARKS, BEACHES
AND OTHER PUBLIC PLACES WITHIN THE DISTRICT OF SAANICH

The Municipal Council of The Corporation of the District of 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 Saanich.

“**BUSINESS DAY**” means every day other than Saturday, Sunday, or a statutory holiday.

“**CHATTEL**” means any item of moveable personal property but does not include a motor vehicle.

“**CORPORATION**” means the Corporation of the District of Saanich.

“**DIRECTOR OF PARKS AND RECREATION**” means the person duly appointed by Council to serve as the Director of Parks and Recreation and any person lawfully acting under his or her authority.”

“**DRIVEWAY**” means that part of a highway or park designed and built to permit motor vehicle access from a highway to a park.

“**ENVIRONMENTALLY SENSITIVE AREA**” means any part of a park that has any of the following characteristics:

- (a) areas or landscape features identified in the *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, published by the British Columbia Ministry of the Environment;
- (b) areas or landscape features identified in a plan, map or bylaw of the Corporation as environmentally significant, an environmental protection area, or a development permit area for protection of the environment; or

- (c) areas or landscape features designated in a plan, map or bylaw of the Corporation for another similar purpose that is consistent with the conservation of ecological values.

“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.

“LAMBRICK SKATEBOARD PARK” means that part of Lambrick Park developed as a skateboard facility and shown hatched on the plan attached hereto as Schedule “A”.

“MOTORCYCLE” means a motor vehicle running on 2 or 3 wheels and having a saddle or seat for the driver to sit astride.

“PARK” means all those lands in the District of 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 Saanich for the purpose of park and includes the Swan Lake Christmas Hill Nature Sanctuary.

“PARKS MANAGER” means the person duly appointed by Council to serve as Parks Manager and any person lawfully acting under his or her authority.

“POWER SAW” means a saw powered by an internal combustion engine.

“ROADWAY” means that portion of a park constructed for use by vehicular traffic or in regular use by vehicular traffic.

“SWAN LAKE CHRISTMAS HILL NATURE SANCTUARY” means the lands included within the Nature Sanctuary Boundary on Schedule “B” attached.

“TEMPORARY OVERNIGHT 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 rigid or non-rigid material.

“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, skate boards, rollerskates 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.

- 2.1 (a) The Executive Director of the Swan Lake Christmas Hill Nature Sanctuary Society, or his or her delegate may exercise any authority granted under this bylaw to the Parks Manager provided that such authority may only be exercised in relation to the Swan Lake Christmas Hill Nature Sanctuary.
- (b) In Sections 3, 6, 10, 11 and 27(b) of this bylaw, the words "employee of the Corporation" shall include an employee of the Swan Lake Christmas Hill Nature Sanctuary Society but only in relation to the Swan Lake Christmas Hill Nature Sanctuary.
- (c) In Sections 14 and 17 of this bylaw, the words "permission of Council" and "written permission from Council" shall include written permission from the Executive Director of the Swan Lake Christmas Hill Nature Sanctuary but only in relation to the Swan Lake Christmas Hill Nature Sanctuary.

REGULATIONS

3. No person, other than an employee of the Corporation acting in the course of his or her duties or a person authorized in writing by the Parks Manager shall cut, break, injure, remove or in any way destroy or damage any tree, shrub, plant, turf, seat, swing, playground equipment or ornament of any kind in any park or on any beach.
4. No person shall climb, walk, or sit on any wall, fence or other structure not intended for that purpose, or deface or destroy in any way any wall, fence, rock, tree or any other structure in or on any park or on any beach.
5. The Parks Manager may post signs or notices in any park or on any beach 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 Corporation, 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.
8. a) 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 or on any beach except in receptacles provided for such purpose.
- b) No person shall deposit in a garbage receptacle in a park any garbage produced outside of the park.

- 8.1 No person, except an agent or employee of the Corporation in the course of his or her duties, or a person acting in accordance with a permit issued under this Bylaw, shall abandon, deposit, dispose of, store or leave unattended any chattel in or on any park or beach.
9. No person shall deposit on the ground any lighted match, cigar, cigarette or other burning substance within the limits of any park or on any beach.
10. No person, except an employee of the Corporation in the course of his or her duties shall injure, deface or destroy any sign or notice lawfully posted or affixed to anything in or on any park.
11. No person other than an employee of the Corporation acting in the course of his or her duties or a person authorized in writing by the Parks Manager shall remove any sand, soil, plants, tree, wood, log or other matter from a park or excavate, dig, cut into or open up the natural terrain of any park.
12. No person, without lawful excuse, other than a duly authorized officer acting in a lawful capacity, without written permission of the Parks Manager, shall carry or discharge any firearm, use or explode any fireworks, or fire or explode any combustible or explosive material in any park or on any beach.
13. No person shall light, ignite or maintain a fire on any park or on any beach without first obtaining a written permit issued by the Fire Chief of the Corporation pursuant to the "Fire Prevention Bylaw, 1997, No. 7755" or any successor bylaw.
14.
 - a) No person shall camp overnight in or on any portion of any park or on any beach.
 - b) No person shall construct or place in or on any portion of any park a tent or temporary building or structure without first obtaining a written permit issued by the Parks Manager.
 - c) No person shall construct or place in any park, a shelter, pavilion or other permanent structure without first obtaining permission of Council.
- 14.1
 - (a) Despite section 14 of this Bylaw, where there is no accessible overnight shelter accommodation available within the District of Saanich or the vicinity thereof, a homeless person may erect and occupy a temporary overnight shelter in a park subject to the restrictions set out in Schedule "C" attached hereto.
 - (b) Any temporary overnight shelter erected or occupied in a park contrary to the restrictions set out in Schedule "C" attached hereto constitutes a chattel unlawfully deposited in a park which may be removed, seized, impounded and sold in accordance with the provisions of section 29.

15. No person shall conduct himself in a disorderly or offensive manner by using profane swearing or indecent, obscene, blasphemous, or grossly insulting language or drunkenness or any other disturbances of the peace in any park or on any beach.
16. No person, without written permission from the Parks Manager, shall by any concert, musical show, band show, circus, exhibition, opera, or theatrical production, voice, 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.
17. 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 the written permission from Council.
18. No person shall operate, drive or propel any vehicle for the purpose of advertising by the use of any amplification device, broadcasting or displaying notices of any kind in any park without first obtaining a written permit from the Parks Manager.
19. 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 Parks Manager.
20. No person shall play or cause to be played on any court, playing field, green, grounds or lawn, a tournament or series of games in any park or on any golf course, without first obtaining permission from the Parks Manager.
21. No person shall scavenge, search for, pick up or remove a golf ball from Cedar Hill Park or Cedar Hill Golf Course except
 - a) a person who has received permission in writing to do so from the Director of Parks and Recreation, or
 - b) a person who is playing golf on the course, or their caddy, and is searching for his or her own ball or that of a fellow player, or
 - c) an employee of The Corporation of the District of Saanich acting in the course of their duties.
22. 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 or the beach.

- b) Interfere with, obstruct, impede, hinder, or prevent the discharge of duties of any attendant, lifeguard or other person engaged in supervising, controlling, instructing or overseeing swimming, bathing or aquatic sports or games at or on any public beach under his supervision or control.
 - c) Operate any power saw on any beach between 2000 hours (8:00 p.m.) and 800 hours (8:00 a.m.), on Mondays to Fridays inclusive or between 2000 hours (8:00 p.m.) Fridays to 1000 hours (10:00 a.m.) Saturdays, or 2000 hours (8:00 p.m.) Saturdays and 1000 hours (10:00 a.m.) Sundays.
 - d) Play golf or hit a golf ball on any beach or in any park other than the Cedar Hill Golf Course part of Cedar Hill Park.
23. No person shall molest, disturb, frighten, injure, catch, trap, or snare any bird or animal in any park or any beach.
24. 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 "Animals Bylaw, 1997, No. 7699" or any successor bylaw.
25. 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 *Guide Animal Act* R.S.B.C. 1996 c.177.
26. No person shall, without lawful excuse, ride or drive any horse or any other animal in a park or beach where such use is prohibited or drive or ride any horse or other animal on any path, driveway or roadway in a park or beach allotted for pedestrian's 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.
27. a) No person shall ride, operate or park a motorcycle or other motor vehicle on or over any part of a beach or park, other than a roadway or designated parking area, unless written permission is first obtained from the Parks Manager.
- b) This section shall not apply to a motor vehicle operated by a Municipal employee in the course of his or her duties.
- c) No person shall ride a bicycle in any of the following parks except in a parking lot or on a paved roadway or path:
- i) Mount Douglas Park
 - ii) Knockan Hill Park
 - iii) Mount Tolmie Park
 - iv) Rithet's Bog Nature Sanctuary
 - v) Glencoe Cove Park

- d) No person shall roller-blade or roller-skate, ride a skateboard or ride a bicycle in the Lambrick Skateboard Park at any time between the following hours:
 - 10:00 p.m. Friday to 7:00 a.m. Saturday
 - 10:00 p.m. Saturday to 7:00 a.m. Sunday
 - 9:00 p.m. Sunday through Thursday to 7:00 a.m. Monday through Friday.
 - e) No person shall play basketball or use a basketball on any outdoor basketball court in a park at any time between the hours of 10:00 p.m. and 7:00 a.m.
 - f) No person shall ride a bicycle in the Swan Lake Christmas Hill Nature Sanctuary except in a parking lot or on a paved roadway.
28. 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.
- 29.
- a) The Director of Parks and Recreation, the Parks Manager, a Municipal Police Constable or a Bylaw Enforcement Officer may remove, seize and impound or cause the removal, seizure or impoundment of any chattel abandoned or apparently abandoned, deposited, disposed of, stored or left unattended in or on any park or beach contrary to this Bylaw.
 - b) After the removal, seizure or impoundment of a chattel under section 29(a), the chattel shall be made available to be claimed in accordance with section 29(c) by a person entitled to its possession by no later than 2:00 p.m. on the next business day following the date of its removal, seizure or impoundment.
 - c) A person entitled to possession of a chattel removed, seized or impounded under this Bylaw may arrange to claim it by contacting the Corporation's Parks Administration Department during regular business hours.
 - d) The Parks Manager may cause a chattel removed, seized or impounded under this Bylaw to be sold, by public auction, to the highest bidder if:
 - i) the person entitled to possession of the chattel has not claimed it under section 29(c) within 30 days following its removal, seizure or impoundment; and
 - ii) it appears to the Parks Manager that the chattel has market value.
 - e) The Parks Manager shall cause a chattel removed, seized or impounded under this Bylaw to be disposed of as garbage if:

- i) the person entitled to possession of the chattel has not claimed it under section 29(c) within 30 days following its removal, seizure or impoundment; and
 - ii) it appears to the Parks Manager that the chattel has no market value.
 - f) Where a chattel is sold at public auction under section 29(d), the proceeds of such sale shall be applied by the Corporation as follows:
 - i) firstly, to pay the costs of the auction;
 - ii) secondly, to pay all removal and storage costs incurred by the Corporation in relation to the chattel; and
 - iii) thirdly, where any surplus remains, to pay such surplus to the person entitled if that person's identity and location are known.
 - g) Where a surplus referred to in section 29(f)(iii) remains and the identity or location of the person entitled to it is unknown, the surplus shall be applied by the Corporation as follows:
 - i) the surplus shall be held for one (1) year following the date of the auction; and
 - ii) if the surplus has not been claimed by the person entitled within one (1) year of the date of the auction, the surplus shall be paid into the general revenue of the Corporation and shall be absolutely forfeited to the Corporation.
 - h) For certainty, nothing in this section limits or prohibits the immediate removal and disposal of garbage or offensive matter or substances from a park or beach by the Corporation, its employees or agents.
30. No person shall clean any vehicle in any park.
31. No person in control or possession of any motor vehicle shall park or allow the motor vehicle to be parked in any park at any time between the hours of 11:00 p.m. and 6:00 a.m. on the following day without the express written consent of the Parks Manager.
- 31.1 No person, other than an employee of the Corporation, shall park a motor vehicle in Layritz Park or Craigflower Kosapsom Park for more than 2 hours between the hours of 8:00 a.m. and 5:00 p.m. on any day of the week except Saturdays, Sundays and Statutory Holidays.

32. No person shall park a motor vehicle, trailer, motorcycle or boat in a park on which is displayed a sign or other advertising offering to sell or lease the motor vehicle, trailer, motorcycle or boat.
33. The Chief Constable may remove or cause to be removed any vehicles which are found to be parked in contravention of section 31 of this bylaw and cause such vehicles to be detained or impounded pursuant to the provisions of the “Streets and Traffic Regulation Bylaw, 1991, No. 6786” or any successor bylaw.
34. Every person who without lawful excuse contravenes this bylaw by doing an act which it forbids or omitting to do any act which it requires to be done, is guilty of an offence and is liable on summary conviction to a fine of not less than \$100.00.
- 34.1 (a) A Bylaw Enforcement Officer or Municipal Police Constable or Bylaw Enforcement Officer appointed by the Police Board who has reason to believe that a person has committed an offence under s.27(a), s.31, s.31.1 or s.32 of this Bylaw may deliver to the driver of the vehicle a Parking Offence Notice.
- (b) Delivery of a Parking Offence Notice may be effected by leaving it on the vehicle concerned or by giving it to the driver of the vehicle.
- (c) A Parking Offence Notice may indicate the alleged offence and the amount of the voluntary penalty that may be paid to the Corporation in respect of it.
- (d) If a voluntary penalty is paid pursuant to a Parking Offence Notice in the amount and within the applicable time period set out in subsection (e) hereof before any information has been sworn and a Summons issued, no prosecution shall be instituted in respect of the offence described in the Parking Offence Notice.
- (e) The voluntary penalty for any contravention of Sections 27(a), 31, 31.1, 32 shall be no less than \$100.00.
35. Bylaw No. 7054, being the “Parks Management and Control Bylaw, 1993, No. 7054” and any amendments thereto are hereby repealed except insofar as they may repeal any other bylaw.
36. This bylaw may be cited for all purposes as the **“PARKS MANAGEMENT AND CONTROL BYLAW, 1997, NO. 7753”**.
 - Note: [Schedules A, B and C](#) referred to in this bylaw are available online or can be made available by contacting the Legislative Division at (250) 475-1775.

Includes Bylaw Amendments No. 7831, 8010, 8662, 8731, 8773, 8966, 9039, 9489, 9513, 9547 and 9568.