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**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, July 10, 2019**

SUBJECT **Amendments to Pender Islands Community Parks Bylaws**

ISSUE

To provide a version of amendments to the Pender Islands Community Parks regulatory bylaws for Pender Islands Parks and Recreation Commission feedback and information.

BACKGROUND

The Pender Islands Parks and Recreation Commission (the Commission) is responsible for the administration of community parks and recreation on the Pender Islands. Community parks are regulated by *Community Parks Regulations (Pender Islands) By-law No. 1, 1987*, last amended by Amendment Bylaw No. 1, 1998 (Community Parks Regulations). It does not have delegated bylaw making power, but provides counsel to the CRD Board on bylaws that may affect the community parks service.

Draft Bylaws 4307 and 4309 (attached) were considered by the Pender Islands Parks and Recreation Commission at its meeting of July 10, 2019. The Commission passed a resolution supporting the bylaw and requesting the Electoral Areas Committee to recommend the CRD Board adopt Bylaws No. 4307 and 4309.

Offences under a bylaw may be prosecuted by one of two ways: long-form offence, which is a costly procedure involving charge approval; or ticket, by way of a municipal ticket information. At present, the Community Parks Regulation is only enforceable by long-form offence. This has resulted in confusion as to how to proceed in cases of property damage or fire. During consultations on a modernized parks bylaw, the Commission mentioned it would be desirable for the Pender Islands community to have the option to ticket for offences, in particular, fire and property damage offences, to avoid the potential cost of a long-form offence proceeding and deter inappropriate behavior in community parks.

The Commission has also expressed interest in allowing bicycles on certain designated parks, pathways, and trails. At present, bicycles are prohibited in all parks. The Commission expressed an interest in recommending the Board allow the community parks service to regulate which trails and paths could allow for bicycles by signage, prohibiting the use of bicycles off-road or off-path unless otherwise shown by signage or posted notice.

This bylaw and its amendments were workshopped with the Commission and met with approval.

ALTERNATIVES

That the Pender Islands Parks and Recreation Commission recommend to the Capital Regional District Board:

Alternative 1:

- 1) That Bylaw No. 4307, "Community Parks Regulations (Pender Islands) By-law No. 1, 1987, Amendment Bylaw No. 2, 2019" be introduced and read a first, second, and third time;

- 2) That Bylaw No. 4307 be adopted;
- 3) That Bylaw No. 4309, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 66, 2019”, be introduced and read a first, second, and third time;
- 4) That Bylaw No. 4309 be adopted.

Alternative 2:

That the report be referred back to staff for more information.

IMPLICATIONS

Bicycles

Allowing bicycle use on specific trails, where sign or posted notice permits, will give the Commission flexibility in trail use, and pilot public trail use in certain areas to serve different community groups. The bylaw is worded to allow for “motor assisted cycles”, defined in the relevant legislation as e-bikes which operate at low speeds and require pedals to be used. BC Parks has announced it is allowing all such motor assisted cycles in its parks where bicycles are allowed. The Community Parks Regulations have maximum speeds for animals, vehicles, and cycles. Users of motor assisted cycles would be expected to comply with them.

Financial implications would include costs for signage.

Ticketing Authority

Regarding ticket powers, the bylaw establishes that a Parks Officer, a Bylaw Officer, the Fire Chief, or local police may issue tickets on the schedule proposed to be added to the CRD’s Ticket Information Bylaw. Fine amounts have been set using the amounts from Juan de Fuca and Salt Spring Island, which are slightly higher than CRD Regional Parks.

In relation to fire and property damage concerns, the fine amount has been set to \$575 to match those administrative monetary penalties set out in the *Wildfire Protection Act* (BC). This will allow the CRD to properly deter such damaging behaviours without needing to rely on an administrative monetary penalty ticket or a long-form offence under the *Wildfire Protection Act* (BC).

Regarding appointment of Parks Officers, CRD typically does not use Parks Officers in an enforcement role, but rather, a public education and compliance role. Local police and bylaw enforcement staff are better suited to issue tickets and support prosecutions, if necessary.

Miscellaneous Changes

Certain other offences, such as obstruction of an official, have been added. Though some of these offences may be included within existing provisions, it is a best practice to have them explicitly spelled out so the bylaw provisions are not subject to challenge at a later date.

CONCLUSION

These changes provide modernized provisions absent a complete re-write of the Community Parks Regulations. They will give the Commission flexibility in enforcement and appropriate deterrence powers in time for the 2019 parks season.

RECOMMENDATION(S)

That the Electoral Area Services Committee recommends that the Capital Regional District Board:

- 1) That Bylaw No. 4307, “Community Parks Regulations (Pender Islands) By-law No. 1, 1987, Amendment Bylaw No. 2, 2019” be introduced and read a first, second, and third time;
- 2) That Bylaw No. 4307 be adopted;
- 3) That Bylaw No. 4309, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 66, 2019”, be introduced and read a first, second, and third time;
- 4) That Bylaw No. 4309 be adopted.

Submitted by:	Steve Carey, BSc, JD, Manager, Legal Services
Submitted by:	Justine Starke, MCIP, RPP, Manager, Southern Gulf Islands Electoral Area
Concurrence:	Kristen Morley, JD, General Manager, Corporate Services & Corporate Officer
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SNC/

Attachments:

Appendix A: Bylaw No. 4307, “Community Parks Regulations (Pender Islands) By-law No. 1, 1987, Amendment Bylaw No. 2, 2019”

Appendix B: Bylaw No. 4309, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 66, 2019”

Appendix C: Community Parks Regulations (Pender Islands) By-law No. 1, 1987, as amended [Unofficial consolidation]