

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4307**

**A BYLAW TO AMEND COMMUNITY PARKS REGULATIONS
(PENDER ISLANDS) (BYLAW NO. 1578)**

WHEREAS:

- A. Under Bylaw No. 1578, Community Parks Regulations (Pender Islands) By-law No. 1, 1987, the Regional Board established regulations relating to public park use;
- B. The Pender Islands community wishes to allow bicycles in certain designated parks, as well as to provide ticketing authority to Park Officers, Bylaw Officers, local police and fire officials for ease of enforcement; and
- C. The Board wishes to amend Bylaw No. 1578 to make such changes;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 1578, "Community Parks Regulations (Pender Islands) By-law No. 1, 1987" is hereby amended as follows:

- (a) By inserting into section 1, Interpretation, where applicable in the alphabetical list:

"Designated official" means those officials designated with ticket enforcement powers for this bylaw in Capital Regional District Ticket Information Authorization Bylaw, 1990 (Bylaw No. 1857), and amended and repealed and replaced from time to time.

"Cycle" means a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skateboard, roller skates, or in-line roller skates.

"Motor assisted cycle" means a motor assisted cycle that meets the requirements of the *Motor Assisted Cycle Regulation*, BC Reg 151/2002 made pursuant to the *Motor Vehicle Act* (BC).

"General Manager" means the Capital Regional District's General Manager, Corporate Services or such other person as may be appointed to act in the place of the General Manager from time to time;

"Park officer" means a person appointed or employed by the CRD as a park officer or bylaw enforcement officer;

"Peace officer" means a peace officer defined from time to time in the Criminal Code of Canada.

- (b) By amending section 2, General Regulations, at paragraph 15, to read as follows:

15) No person, other than an employee of the Commission or person designated by the Commission, in the course of his or her duties, shall ride or drive any horse or other animal, or drive or propel or permit to be driven or propelled any

vehicle in a park other than on a driveway, roadway, highway, or parking lot and not contrary to or prohibited by sign or posted notice; or on a trail or path designated for such use by a sign or posted notice. Nothing in this section prohibits the use of wheelchairs, carriages, strollers, or similar conveyances on trails and paths.

(c) By inserting into section 2, General Regulations, the following:

19) A person must not possess or consume liquor in a park without legally required permits, including a valid park use permit allowing that activity.

20) A parent, guardian, or person in charge of an individual 16 years of age or less must not permit them to do anything that this bylaw or other applicable enactments prohibit. If an offence is being committed by an individual 16 years of age or less, the parent, guardian or person in charge of them must take any control measures a park officer, peace officer, or other designated official considers necessary to prevent or stop the contravention of this bylaw.

(d) By inserting into section 4, Penalties, the following:

4) A park officer, peace officer, or other designated official may, if he or she has reason to believe an offence has been committed against this bylaw, complete and leave with the alleged offender, or at the address of the alleged offender with someone who appears to be 16 years of age or older, a ticket information pursuant to Bylaw No. 1857, *Capital Regional District Ticket Information Authorization Bylaw, 1990* as may be amended or repealed and replaced from time to time, indicating a penalty equal to the amount stipulated for such an offence.

5) The General Manager is delegated authority to appoint park officers.

6) Except where a park use permit, licence, or other written authorization allows, a park officer, peace officer, or other designated official may remove or order the removal of all chattels, fixtures, equipment or material from a park and the cost of such removal may be charged to either the owner or person who placed the equipment or material within the community park.

7) When a park officer, peace officer, or other designated official finds on reasonable grounds that a person in a community park is contravening this bylaw, a park use permit, written authorization, or any other CRD enactment, he or she may require that person to do one or more of the following:

(a) provide, immediately upon request, that person's correct name, address, and information about their destination, and proposed or actual activities in the community park;

(b) provide within a reasonable time identification verifying that person's correct name and address;

(c) if the person is or appears to be engaged in an activity that requires a licence, authorization or park use permit, produce a copy of the applicable current valid licence, authorization, or park use permit for the activity;

(d) stop contravening the bylaw, licence, authorization, park use permit, or other enactment immediately;

(e) leave the community park immediately; or

(f) not re-enter the community park for a period up to 72 hours.

8) A person must not obstruct a park officer, peace officer, or other designated official in the performance of his or her duties.

(e) By replacing section 4(2), Penalties, with the following:

2) Every person who contravenes this by-law by doing any 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 \$50.00 for a first offence, and for each subsequent offence to a fine of not less than \$100.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

2. This bylaw may be cited for all purposes as "Community Parks Regulations (Pender Islands) Bylaw No. 1, 1987, Amendment Bylaw No. 2, 2019".

READ A FIRST TIME THIS	th	day of	2019
READ A SECOND TIME THIS	th	day of	2019
READ A THIRD TIME THIS	th	day of	2019
ADOPTED THIS	th	day of	2019

CHAIR

CORPORATE OFFICER