

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3682**

**CAPITAL REGIONAL DISTRICT PARKS
REGULATION BYLAW NO. 1, 2010**

A bylaw to regulate the use of regional parks and trails.

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CAPITAL REGIONAL DISTRICT

BYLAW NO. 3682

A BYLAW TO REGULATE THE USE OF REGIONAL PARKS AND TRAILS

WHEREAS the Capital Regional District wishes to adopt a Bylaw to regulate the use of regional parks and regional trails;

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

1. DEFINITIONS

In this Bylaw, unless the context requires otherwise, the following definitions apply:

"animal" means a mammal, reptile, amphibian, bird, fish or insect;

"beach" means the areas designated as beaches on Schedule "A" to this Bylaw;

"Board" means the Board of Directors of the Capital Regional District;

"business" means any trade, industry, employment, occupation, activity or special event carried on in a park for profit, gain, fund raising or commercial promotion, and includes an undertaking carried on in a park by a charitable organization, or by an organization or individual on a non-profit basis;

"camp" means to remain in a regional park with or without shelter between the hours of eleven p.m. and five a.m. the following morning;

"camping party" means a group of no more than (7) persons with a maximum of (4) adults, that have purchased a valid park use permit for camping in a Regional Park.

"campsite" means a site in a regional park designated for overnight camping by the General Manager;

"Caretaker" means a person having a contract with the CRD to provide on-site services in respect of one or more regional parks;

"contaminants" means any explosives, radio active materials, asbestos materials, ureaformaldehyde, chlorobiphynels, hydrocarbon contaminates, underground tanks, pollutants, contaminants, hazards, corrosive or toxic substances, special waste or waste of any kind or any other substance the storage, manufacture, disposal, treatment, generation, use, transport, remediation or release into the environment of which is

prohibited, controlled, regulated or licensed under environmental laws;

"**CRD**" means the Capital Regional District;

"**curfew hours**" means the time between sunset and sunrise for all regional parks with the exceptions of the Lochside regional trail and The Galloping Goose regional trail;

"**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 skate board, roller skates or in-line roller skates;

"**dangerous dog**" means any dog that:

- (a) has killed or seriously injured a person; or,
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or,
- (c) a park officer reasonably believes is likely to kill or seriously injure a person.

[but does not include dog performing law enforcement work.]

"**domestic animal**" means any animal kept as livestock or pet;

"**domestic waste**" means garbage, trash, refuse, cans, bottles, papers, ashes, cuttings, or other waste of any kind that is not generated by an individual in connection with reasonable park use;

"**firearm**" means any gun using, as a propellant, compressed air, explosives or gas;

"**General Manager**" means the Capital Regional District's General Manager;

"**liquor**" means:

- (a) fermented, spirituous and malt liquors; or
- (b) combinations of liquors; or
- (c) drinks and drinkable liquids that are intoxicating,

and includes beer, or a substance that, by being dissolved or diluted is capable of being made a drinkable liquid that is intoxicating and that is declared to be liquor under the *Liquor Licensing and Control Act* (British Columbia);

“motor assisted cycle” means a motor assisted cycle that meets the requirements of the Motor Assisted Cycle Regulation, B.C. Reg. 151/2002 made pursuant to the *Motor Vehicle Act* (British Columbia);

"motor vehicle" means a vehicle, not run on rails, that is designed to be self propelled but does not include a motor assisted cycle;

“natural park feature” means a tree, shrub, herb, flower, grass, turf, or other plant or fungus and all soil, sand, silt, gravel, rock, mineral, wood, fallen timber, or other park resource in a regional park;

“park officer” means an employee of the Regional Parks Department of the CRD or a person under contract for bylaw services with the CRD designated by the CRD Board as a park officer;

"Parks Committee" means the standing committee appointed by the Board for regional park function purposes;

"park use permit" means a park use permit issued under this Bylaw;

“peace officer” means a peace officer defined from time to time in the Criminal Code of Canada;

"permit fee" means the applicable special use fee and the refundable security deposit required to carry out a special use event or activity, as permitted by a park use permit and prescribed in Bylaw No. 3675;

"picnic area" means any area designated as a picnic area by the General Manager or by sign;

“posted notice” means a written notice affixed to a notice board or sign post by the CRD in a regional park or set out in a brochure, map or CRD website relating to one or more regional parks;

“regional park” means the parks and regional trails listed in Schedule “B” and any other lands owned in fee simple, held under a lease by the CRD or by way of an easement or statutory right of way and managed as regional park;

“special use” means any event or activity in a regional park defined as a Special Use Activity in Bylaw No. 3675;

"traffic control device" means a sign, signal, line, meter, marking, space, barrier or device, not inconsistent with the *Motor Vehicle Act*, placed or erected by authority of the Board or the General Manager;

"wildlife" means raptors, threatened species, endangered species, game or other

species of vertebrates prescribed as wildlife under the *Wildlife Act*.

2. ADMINISTRATION OF BYLAW AND ENFORCEMENT POWERS

- (1) The General Manager is delegated authority to appoint park officers.
- (2) Peace officers and park officers are exempt from all provisions of this Bylaw when performing their duties.
- (3) When a park officer or peace officer finds, on reasonable grounds, that a person in a regional park is contravening this Bylaw, a park use permit, 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 regional park;
 - (b) provide within a reasonable time identification verifying that person's correct name and address;
 - (c) prove that the person possesses a current valid license, authorization, or park use permit for the activity;
 - (d) stop contravening the Bylaw, the park use permit, or other enactment immediately;
 - (e) leave the regional park immediately; and/or
 - (f) not re-enter the regional park for a period up to 72 hours.
- (4) Anyone who fails to comply with a requirement of a park officer or peace officer under this Bylaw also commits an Offence under the *Offence Act*.
- (5) At all reasonable times, a park officer or peace officer may enter any area, including a Campsite, or other facility in a regional park to determine whether a person is in contravention of this Bylaw or a park use permit.
- (6) Except where a park use permit, licence, or other valid written authorization allows such storage, a park officer or peace officer may remove or order the removal of all equipment or material from a regional park and the cost of such removal may be charged to either the owner or person who placed the equipment or material within the regional park.

3. PENALTIES

- (1) A person who contravenes any provision of this Bylaw commits an offence and is liable upon conviction to the penalties prescribed by the *Offence Act*, provided that the minimum penalty is not less than FIFTY (\$50.00) DOLLARS for the first offence and for each subsequent offence to a minimum penalty of not less than ONE HUNDRED (\$100.00) DOLLARS.
- (2) The penalties imposed under subsection (3) hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by the Bylaw.
- (3) A separate offence shall be deemed to be committed upon each day during and in which a contravention of this Bylaw occurs or continues.
- (4) A park officer or peace officer may, if he/she has reason to believe that 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 greater, 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.

4. PUBLIC CONDUCT

- (1) A person must not obstruct a park officer or peace officer who is performing his or her duties.
- (2) No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- (3) Every person in a regional park must obey all signs and posted notices in a regional park.
- (4) A person must not possess or consume liquor in a regional park without legally required permits, including a valid park use permit allowing that activity.
- (5) A person must not defecate or urinate in a regional park, except in designated facilities.
- (6) A person must not enter into or remain in a regional park when a regional park is closed, according to hours posted at the entrance to a regional park.
- (7) Subsection (6) does not apply to the following:
 - a person who has a concession or lease granted by the Regional District for a park purpose;

- a private house guest of or tradesperson providing a service to an onsite Caretaker;
 - a person who has a valid park use permit that allows entrance to the park;
 - authorized CRD and emergency personnel; and
 - persons or their house guests or contractors who have to pass through the regional park to reach their residence.
- (8) A person must not make or cause any noise or sound, including the playing of portable music devices including, but not limited to: musical instruments, radios, tape players, compact disc players, MP3 players, i-Pods or similar devices in a regional park that, in the opinion of a park officer or peace officer:
- (a) disturbs, or is likely to disturb the peace, enjoyment, or comfort of persons in the vicinity; or
 - (b) disturbs or disrupts or is likely to disturb or disrupt wildlife in the regional park.
- (9) A person must not operate equipment, motor vehicles, or machinery in a regional park that, in the opinion of a park officer or peace officer:
- (a) disturbs, or is likely to disturb the peace, enjoyment, or comfort of persons in the vicinity; or
 - (b) disturbs or disrupts or is likely to disturb or disrupt wildlife in the regional park.
- (10) A person must not interfere with the passage of any person or motor vehicle lawfully using a road or trail in a regional park unless a valid park use permit allows that interference.
- (11) A person must not act in a way that in the opinion of a park officer or peace officer, is disorderly, dangerous, or offensive, including but not limited to: excessive and loud use of offensive language, drunkenness, nudity, and violent behaviour.

5. RESPONSIBILITY FOR ACTION OF MINORS

- (1) A parent, guardian, or person in charge of a person 16 years of age or less must not permit them to do anything that this Bylaw or other applicable enactments prohibit.
- (2) If an offence is being committed by a person 16 years of age or less, the parent, guardian or person in charge of the person 16 years of age or less must take any control measures the park officer, acting reasonably, considers necessary to prevent or stop the contravention of this Bylaw.

6. CAMPING

- (1) A person staying in a Campsite in a regional park must not:
 - (a) leave or enter the Campsite during the hours the regional park is closed, except in an emergency; or
 - (b) make any noise or sound between the hours of 10:00 p.m. and 7:00 a.m. that, in the opinion of a park officer or peace officer disturbs or is likely to disturb the peace, enjoyment, or comfort of persons or wildlife in the vicinity.
- (2) A Camping Party with a valid park use permit allowing camping in a regional park may remain in the Campsite and use its facilities according to the terms and conditions of the park use permit. After the park use permit expires, the Camping Party must leave the Campsite without delay.
- (3) A Camping Party may have on site no more than one vehicle and trailer, and one but not both may be a recreational vehicle (RV).
- (4) A person may camp in a regional park only in a designated Campsite and only in accordance with a park use permit for that activity.

7. PRESERVATION OF NATURAL FEATURES, WILDLIFE, AND PARK FEATURES

- (1) Unless they have the CRD's written authorization or a valid park use permit allowing the activity, persons must not do any of the following in a regional park:
 - (a) cut, trim, dig up, excavate, deface, remove, damage, or in any way injure any natural park feature;
 - (b) build or otherwise create or alter any trails;
 - (c) remove, damage, or deface any building, structure, fence, bench, sign, posted notice, road, trail, facility, equipment, material, or thing that belongs to the CRD;
 - (d) build, place or install any permanent or temporary structures or facilities;
 - (e) bring in and leave any dead or living plant material, any dead or living animal or release any animal;
 - (f) molest, disturb, frighten, injure, kill, catch, or trap any wildlife, except for fishing and crab-catching done in accordance with all enactments;

- (g) feed any wildlife or deposit any substance that wildlife may eat except as permitted in section 7(3) or;
 - (h) introduce any contaminant into any part of a regional park including, without limitation, any body of water, water system, or watercourse.
- (2) Subsection (1)(e) does not apply to a domestic animal brought into a regional park where the person complies with section 8:
- (a) the person retains effective control of the dog at all times in accordance with this Bylaw; and
 - (b) removes the dog from the park when that person leaves the park.
- (3) A person must not deposit any on-site refuse anywhere in a regional park except in waste receptacles provide by the CRD.
- (4) A person must not:
- (a) dispose of any domestic, commercial, or industrial waste in a regional park;
 - (b) deposit any material into waste receptacles provided by the CRD for on-site refuse other than waste reasonably generated by that person during his or her time in the regional park.
- (5) A person must not light or keep lit any fire, stove, barbecue or other flame producing cooking device in a regional park except:
- (a) in facilities that the CRD provides for fires or flame-producing cooking devices;
 - (b) in areas designated by signs or a posted notice: and/or
 - (c) if permitted by a valid park use permit.
- (6) A person must not leave unattended a fire, stove, barbecue or other flame producing cooking device of any kind while it is lit or turned on.
- (7) A person must not deposit on the ground in a regional park any lighted match, cigar, cigarette, or other burning substance except as permitted in section 7(5).
- (8) A person must not smoke in regional park areas, facilities or trails contrary to a sign or posted notice that prohibits smoking.

- (9) A person must not cut down, prune or remove any tree or any part of a tree in a regional park without the written authorization of the CRD and then only in strict accordance with that authorization.
- (10) A person must not ride a cycle in a regional park except in the following places:
 - (a) a public highway or parking lot where not otherwise prohibited by law or a posted notice; and
 - (b) on a trail designated for such use by a sign or a posted notice.
- (11) A person must not travel within a regional park except on a trail marked by CRD signage or shown on a CRD Park map or brochure or in areas specifically designated by a sign or a posted notice.

8. ANIMALS IN REGIONAL PARKS

- (1) A person with care and control of a domestic animal in a regional park must:
 - (a) have the animal under control at all times;
 - (b) carry at least one leash and one collar for each dog at all times; and
 - (c) leash dogs immediately when approaching horses.
- (2) A horse is permitted only in accordance with subsection (11).
- (3) A person with care and control of a dog in a regional park must not allow it to:
 - (a) be on any beach between June 1 and September 15, except for the purpose of passing directly through the beach with that person without stopping, at which time the dog must be on a leash.
- (4) A person with care and control of a domestic animal in a regional park must not allow it to:
 - (a) damage any park property or vegetation;
 - (b) enter any area where that animal is prohibited, as indicated by a sign or posted notice;
 - (c) injure, disturb, or molest any person, domestic animal, or wildlife;
 - (d) be left or abandoned; or
 - (e) graze or roam at large;

- (5) A person with care and control of a dangerous dog must not permit the dangerous dog to enter a regional park.
- (6) A person with care and control of a dog in a regional park must immediately remove any faeces deposited by that dog.
- (7) Subsection (6) does not apply to a person who is legally visually impaired.
- (8) A park officer or peace officer may require the person with care and control of a domestic animal in a regional park to remove it from that regional park if in the opinion of a park officer or peace officer is:
 - (a) potentially dangerous;
 - (b) disruptive to other park users; or
 - (c) by its actions, demeanour or lack of control by the owner, causing alarm or concern to other park users, including without limitation, children under the age of twelve, elderly or disabled persons.
- (9) A park officer or peace officer may restrain and detain any lost animal and bring that animal to a shelter, pound or other appropriate facility.
- (10) A person must not ride, walk, or drive a horse on any part of a regional park, except on trails or areas designated by signs or posted notice.

9. FIREARMS AND HUNTING

- (1) A person must not possess or discharge any firearm, fireworks, slingshot, bow, or crossbow in a regional park without a valid park use permit allowing that activity and then, only in accordance with this Bylaw, the park use permit and any other applicable bylaw.

10. MOTOR VEHICLES

- (1) A person must not operate, or permit to be operated, a motor vehicle in a regional park except on public highway or parking lots.
- (2) A person must not operate a motor vehicle in a regional park unless that person and the motor vehicle are validly licensed and registered and conform to all applicable enactments.
- (3) A person must not park a motor vehicle in a regional park except in designated parking lots and along public roadways not marked as "No Parking" areas.

- (4) A motor vehicle:
 - (a) parked in areas prohibited by a sign or posted notice; or
 - (b) left unattended after the closing hours of the regional park,may be towed away at the expense of the owner.
- (5) A person must not park a motor vehicle in an area, lot, or stall in a regional park designated as pay parking, handicapped parking, or service or emergency vehicle parking, except in accordance with a valid park use permit or a valid handicapped parking permit, or unless the vehicle being parked is a regional park service vehicle or an emergency vehicle.
- (6) Without limiting the generality of any other provision of this Bylaw, a park officer or peace officer may ticket or order the towing away of any motor vehicles in violation of this Bylaw.
- (7) For public safety or convenience or to accommodate a special use, the CRD may close any park road, trail, or other area in a regional park to public use.
- (8) The CRD may by sign or posted notice limit the speed, weight, size, type, or number of motor vehicles operated in a regional park.

11. COMMERCIAL SERVICES ACTIVITIES OR DEMONSTRATIONS

- (1) Unless he or she has the written authorization of the General Manager or a valid park use permit allowing the activity, a person must not:
 - (a) sell, barter, or display for sale any goods, services, or materials, including food and refreshments in a regional park;
 - (b) conduct any business or commercial activity, whether paid for in advance of, during, or after the activity;
 - (c) encourage any person to use a regional park for any activity related to a business or commercial enterprise, whether or not the business or commercial aspect of the activity is carried out within the regional park;
 - (d) install, post, deliver, paint, publish, or distribute any notice, advertisement, sign, placard, or handbill of any kind in a regional park; or
 - (e) operate or station in a regional park any commercial vehicle or any motor vehicle displaying advertising or equipped with a public address system for the purpose of advertising, promoting, demonstrating, or attracting attention.

- (2) Subsection 11(1)(d) does not apply to:
- (a) reasonable expressions of opinions on political, social or other matters provided that the notices, signs, placards or handbills:
 - (i) do not exceed 1 square metre in size and are removed prior to sunset;
 - (ii) are not displayed in the park on more than one day in each month; and
 - (iii) are not repetitions of the content of opinions expressed by the same person within the previous month.
- (3) Subsection 11(1)(e) does not apply to:
- (a) a motor vehicle on which corporate advertisement is displayed where the motor vehicle is used for the transportation of persons to a regional park for park purposes and not for the purpose of advertising.

12. PARK USE PERMITS

- (1) A person must not carry out, hold or participate in a special use or do anything that requires a park use permit under this Bylaw unless:
- (a) a park use permit has been issued for the special use; and
 - (b) the permit holder carries the park use permit during the event for which the permit has been issued and produces the permit for inspection upon request by a park or peace officer.
- (2) The General Manager may issue a park use permit for a special use that requires a park use permit under this Bylaw.
- (3) The person obtaining the park use permit must pay a fee established under Bylaw No. 3675 or section 13 of this Bylaw.
- (4) The General Manager may amend, suspend, or revoke any park use permit:
- (a) for any violation of the terms and conditions of the park use permit;
 - (b) where the applicant for the permit made a material misrepresentation regarding the special use; or
 - (c) where the park use permit holder or a person participating in the special use contravenes a provision of this Bylaw, as determined by the General Manager, acting reasonably.

- (5) The General Manager is not obligated to issue any park use permit and, without in any way limiting the generality of the foregoing, may refuse to issue a park use permit to any person who has, in the opinion of the General Manager, acting reasonably, contravened any previous park use permit or contravened this Bylaw or any other enactment related to the use of a regional park.
- (6) The holder of a park use permit is solely responsible for the conduct of the special use event, activity, or thing the park use permit authorizes.
- (7) Neither the CRD nor any of its elected or appointed officers, employees, servants, agents, contractors, licensees or representatives accepts or assumes any responsibility or liability for any claims, demands, proceedings, actions, suits, costs, expenses, fines, losses or damages in respect to death, injury, loss or damage to persons or property, however caused, arising out of or in connection with the issuance of a park use permit or a special use event, activity or thing for which a park use permit has been issued.
- (8) In the issuance of a park use permit, the General Manager may impose one or more of the following conditions:
 - (a) a requirement that the permit holder provide security in an amount and form acceptable to the General Manager to cover estimated clean up costs following the event, activity or thing;
 - (b) public liability insurance in an amount and form acceptable to the General Manager;
 - (c) that the event, activity or thing is limited to one or more specified regional parks;
 - (d) that the event, activity or thing is limited to one or more specified areas, locations or facilities within a regional park;
 - (e) limiting the duration of the permit;
 - (f) limiting the number of participants (including staff and volunteers);
 - (g) requiring that the holder of the permit provide traffic control for the event, activity or thing;
 - (h) requiring that the permit holder remove all waste;
 - (i) requiring the permit holder to provide specific facilities as services, including, without limitation, portable toilets, additional garbage cans and recycling bins or receptacles;

- (j) limiting the type or nature of merchandise, items or services that may be made available for sale or consumption during the event, activity or thing;
 - (k) providing a copy of a research report prepared by the permit holder;
 - (l) requiring specific signage; and
 - (m) requiring that the permit holder require with Vancouver Island Health Authority guidelines regarding food concessions.
- (9) A person must not breach a condition of a park use permit.

13. FEES

- (1) The Regional Board may from time to time establish fees to be charged for issuing a park use permit.

14. SEVERABILITY

- (1) If a section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.

15. REPEAL

- (1) Bylaw No. 2721, "Capital Regional District Parks Regulation Bylaw No. 1, 1999", as amended, is repealed.

16. CITATION

This Bylaw may be cited as "Capital Regional District Parks Regulation Bylaw No. 1, 2010".

READ A FIRST TIME THIS	12 th	day of	May,	2010
READ A SECOND TIME THIS	12 th	day of	May,	2010
READ A THIRD TIME THIS	12 th	day of	May,	2010
ADOPTED THIS	9 th	day of	June,	2010

Original signed by Geoff Young
CHAIR

Original signed by Carmen Thiel
CORPORATE OFFICER

**Capital Regional District Parks
Designated Beach Areas**

SCHEDULE "A"

Albert Head Lagoon Regional Park: Estuary/Bird Sanctuary

Coles Bay Regional Park: All Foreshore Areas

Devonian Regional Park: All Foreshore Areas

East Sooke Regional Park: Aylard Farm Foreshore

Elk/Beaver Lake Regional Park: Beaver Lake Beach, Hamsterly Beach, Eagle Beach and Water Ski Beach

Island View Beach Regional Park: All Foreshore Areas

Matheson Lake Regional Park: Main Beach Area

Mount Work Regional Park: Durrance Lake Foreshore, Killarney Lake Foreshore, and Pease Lake Foreshore

Roche Cove Regional Park: All Foreshore Areas

Thetis Lake Regional Park: Prior Lake Beach and Dock Area, Thetis Lake Main Beach and Picnic Area

Witty's Lagoon Regional Park: All Foreshore with Exception of Tower Point

**Capital Regional District Parks
List of Regional Parks, Park Reserves, and Trails**

SCHEDULE “B”

Albert Head Lagoon Regional Park
Ayum Creek Regional Park Reserve
Bear Hill Regional Park
Brooks Point Regional Park
Coles Bay Regional Park
Devonian Regional Park
East Sooke Regional Park
Elk/Beaver Lake Regional Park
Francis/King Regional Park
Gallopig Goose Regional Trail
Gonzales Hill Regional Park
Horth Hill Regional Park
Island View Beach Regional Park
Kapoor Regional Park Reserve
Lochside Regional Trail
Lone Tree Hill Regional Park
Matheson Lake Regional Park
Matthews Point Regional Park Reserve
Mill Farm Regional Park Reserve
Mill Hill Regional Park
Mount Parke Regional Park
Mount Wells Regional Park
Mount Work Regional Park
Roche Cove Regional Park
Sea to Sea Blue Green Belt Regional Park Reserve

Sooke Hills Wilderness Regional Park Reserve

Sooke Potholes Regional Park

Thetis Lake Regional Park

Witty's Lagoon Regional Park