

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3795**

**CAPITAL REGIONAL DISTRICT  
COMMUNITY PARKS REGULATIONS  
(JUAN DE FUCA AND SALT SPRING ISLAND ELECTORAL AREAS)  
BYLAW NO. 1, 2012**

*A bylaw to regulate the use of Juan de Fuca and Salt Spring Island electoral areas  
community parks and trails.*

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**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 3795**

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**A BYLAW TO REGULATE THE USE OF JUAN DE FUCA AND SALT SPRING  
ISLAND ELECTORAL AREAS COMMUNITY PARKS AND TRAILS**  
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**WHEREAS:**

- A. By supplementary Letters Patent dated the 28<sup>th</sup> day of August 1975, as amended, the power to acquire, develop, operate and maintain community parks within the electoral areas was conferred on the Capital Regional District;
- B. By Supplementary Letters Patent dated the 3<sup>rd</sup> day of October 1975, as amended, the power to undertake community recreational programming within the electoral area was conferred on the Capital Regional District;
- C. By Salt Spring Island Parks and Recreation Facilities Local Service Establishment Bylaw No. 1, 1996, the CRD converted the service of recreational programmes, equipment and facilities to a service established by bylaw in the Salt Spring Island Parks and Recreation Facilities Local Service Area for the provision of parks and operation of recreational programmes, equipment, facilities and acquisition of land.
- D. The Electoral Areas of Salt Spring Island and Juan de Fuca each have a community parks and recreation commission;
- E. The Capital Regional District wishes to adopt a Bylaw to regulate the use of community parks and trails within the Electoral Areas of Salt Spring Island and Juan de Fuca.

**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:

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

**"authorization"** means a written authorization for use of a community park;

**"barbecue and camp stoves"** means a portable apparatus with non-combustible legs and covered screen that utilizes gasoline, propane or briquettes for the purpose of providing heat for cooking;

**"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;

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

**"Commission"** means the Parks and Recreation Commission as appointed by the Board of the CRD for community park function purposes in an electoral area;

**"contaminants"** means any explosives, radioactive materials, asbestos materials, urea formaldehyde, chlorobiphenyls, 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;

**"community park"** means the parks and trails listed in Schedule "A" and any other lands dedicated as park by bylaw or by a subdivision, reference or other plan, land owned or acquired in fee simple, held under a lease or an interest in land held by the CRD by way of an easement, statutory right of way or licence and managed as a community park;

**"Community Parks Manager"** means a manager delegated by the CRD to manage community parks;

**"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:

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- (a) has killed or injured a person; or
  - (b) has killed or 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 a dog performing law enforcement work.

**“domestic animal”** means any animal kept as livestock or pet;

**“electoral area”** means those areas of the CRD within the Electoral Areas of Juan de Fuca and Salt Spring Island;

**“environmentally sensitive area”** means an area or a park that, because of its sensitive, rare or endangered native flora or fauna, slope or soil conditions is not able to reasonably sustain overnight camping use by homeless persons without damage to the environment;

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

**“footpath”** means a way, thoroughfare, street, road, or sidewalk within a park that is set apart and improved by grading, gravelling, or other means for the use of pedestrians;

**“General Manager”** means the Capital Regional District’s General Manager for Parks and Community Services;

**“homeless person”** means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis;

**“licence”** means a written licence of use of a community park;

**“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);

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**“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 CRD Electoral Area Parks and Recreation Department or a person under contract to provide bylaw services with the CRD;

**"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 event or activity fee to carry out a special use event or activity, as permitted by a park use permit and prescribed in Bylaw No. 3623, Capital Regional District Recreation Service and Facilities Fees and Charges;

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

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

**“special use”** means any activity in a community park defined as a Special Event or Activity in Bylaw No. 3623 cited as, “Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009”;

**“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;

**"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.

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- (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 community 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 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, the licence, authorization, park use permit, or other enactment immediately;
    - (e) leave the community park immediately; and/or
    - (f) not re-enter the community 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 commits an offence under the *Offence Act*.
  - (5) A park officer or peace officer may, at any time, enter any area or facility in a community 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 authorization allows such storage, a park officer or peace officer may remove or order the removal of all equipment or material from a community 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.

### **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

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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 community park must obey all signs and posted notices in a community park.
- (4) A person must not possess or consume liquor in a community park without legally required permits, including a valid park use permit allowing that activity.
- (5) A person must not defecate or urinate in a community park, except in designated facilities.
- (6) A person must not enter into or remain in a community park when a community park is closed, according to hours posted at the entrance to a community park.
- (7) Subsection (6) does not apply to the following:
  - (a) a person who has a concession or lease granted by the CRD for a park purpose;
  - (b) a person who works under a CRD Stewardship or Management Agreement for a community park;



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- (c) a person who works under a caretaker agreement or contract;
  - (d) a person who has a valid park use permit that allows entrance to the park;
  - (e) authorized CRD and emergency personnel; and
  - (f) a person or their house guests or contractors who must pass through the community park to reach their residence.
- (8) A person must not make or cause any noise or sound, including the playing of portable music devices such as, but not limited to: musical instruments, radios, tape players, compact disc players, MP3 players, i-Pods or similar devices in a community 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 community park.
- (9) A person must not operate equipment, motor vehicles, or machinery in a community 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 community park.
- (10) A person must not interfere with the passage of any person or motor vehicle lawfully using a road or trail in a community 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,

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guardian or person in charge of the person 16 years of age or less must take any control measures the park officer considers necessary to prevent or stop the contravention of this Bylaw.

## **6. CAMPING**

- (1) No person shall remain overnight or camp in a community park.
- (2) Subsection (1) does not apply to a homeless person, where the person erects a temporary shelter in the community park only between the hours of 11:00 p.m. and 7:00 a.m. and removes the temporary shelter from the park between 7:00 a.m. and 11:00 p.m.
- (3) Despite subsection (2), a homeless person must not erect a temporary shelter in a playground, sports field, foot path, a road within a park, environmentally sensitive area, or any area within a park that has been designated for an event or activity under a valid and subsisting permit issued under the authority of this Bylaw.
- (4) Nothing in this section will permit any person to violate any other section of this Bylaw at any time.

## **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 community 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) climb, walk or sit upon any wall, fence, gate, sign, ornament or similar structure, or cross, travel or use any grass plot or land in any park where signs have been posted forbidding any such use;
  - (f) bring in and leave any dead or living plant material, any dead or living

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- animal or release any animal;
- (g) molest, disturb, frighten, injure, kill, catch, or trap any wildlife except for fishing done in accordance with all enactments;
  - (h) feed any wildlife or deposit any substance that wildlife may eat except as permitted in section 7(3) or;
  - (i) introduce any contaminant into any part of a community park including, without limitation, any body of water, water system, or watercourse.
- (2) Subsection (1)(f) does not apply to a domestic animal brought into a community park where section 8 is complied with.
  - (3) A person must not deposit any on-site refuse anywhere in a community 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 community 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 community park.
  - (5) A person must not light or keep lit any fire, stove, barbecue or other flame producing cooking device in a community 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, camp 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 community park any lighted match, cigar, cigarette, or other burning substance except as permitted in section 7(6).
  - (8) A person must not smoke in community park areas, facilities or trails contrary to a sign or posted notice that prohibits smoking.

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- (9) A person must not cut down, prune or remove any tree or any part of a tree in a community 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 community park or on a trail if prohibited by a sign or posted notice.

## **8. ANIMALS IN COMMUNITY PARKS**

- (1) A person with care and control of a domestic animal in a community park must:
  - (a) have the animal under control at all times;
  - (b) carry at least one leash not exceeding two meters, and one collar for each dog at all times; and
  - (c) leash dogs immediately when approaching horses.
- (2) A person with care and control of a domestic animal in a community 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.
- (3) A person with care and control of a dangerous dog must not permit the dangerous dog to enter a community park.
- (4) A person with care and control of a dog in a community park must immediately remove any faeces deposited by that dog.
- (5) Subsection (4) does not apply to a person who is legally visually impaired.
- (6) A park officer or peace officer may require the person with care and control of a domestic animal in a community park to remove it from that community park if, in the opinion of a park officer or peace officer, the domestic animal is:
  - (a) potentially dangerous;

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- (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.
- (7) A park officer or peace officer may restrain and detain any lost animal located in a community park and bring that animal to a shelter, pound or other appropriate facility.

## **9. FIREARMS**

- (1) A person must not possess or discharge any firearm in a community park.
- (2) A person must not possess or discharge any fireworks in a community park.
- (3) A person must not possess or discharge a slingshot in a community park.
- (4) A person must not possess or discharge a bow or crossbow in a community park.

## **10. MOTOR VEHICLES**

- (1) A person must not operate, or permit to be operated, a motor vehicle in a community park except on a public highway or designated parking lot.
- (2) A person must not operate a motor vehicle in a community 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 community park except:
  - (a) in areas designated for parking;
  - (b) at times during which parking is permitted;
  - (c) for purposes associated with visiting the community park in which the motor vehicle is parked; and
  - (d) while the person is within the community park in which the motor vehicle is parked.
- (4) A motor vehicle:
  - (a) parked in areas prohibited by a sign or posted notice; or

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- (b) left unattended after the closing hours of the community 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 community park designated as 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 CRD 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 or for purposes related to environmental protection or remediation, the CRD may close any park road, trail, or other area in a community park to public use.

#### **11. COMMERCIAL SERVICES ACTIVITIES OR DEMONSTRATIONS**

- (1) Unless he or she has the written authorization of the Community Parks Manager or General Manager or a valid park use permit allowing the activity, a person must not:
  - (a) sell, barter, donate, trade, busk or display for sale any goods, services, or materials, including food and refreshments in a community 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 community 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 community park;
  - (d) install, post, deliver, paint, publish, broadcast or distribute any notice, advertisement, sign, placard, or handbill of any kind in a community park.
- (2) Subsection (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 meter in size and are removed prior to sunset;

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- (ii) are not displayed in the park on more than two days in each month; and
  - (iii) are not repetitions of the content of opinions expressed by the same person with the previous month.

## 12. PLAYGROUNDS AND COURTS

- (1) A person shall not play at any games on any tennis court in any park unless in accordance with any sign, instructions and rules that may be posted or prescribed by the CRD from time to time;
- (2) A person shall not damage or destroy any property, court, green, grounds or lawn in any park, or in any way interfere with or obstruct the free use thereof by those lawfully entitled to the use of same.

## 13. SALT SPRING ISLAND FARMERS' MARKET

- (1) In this section:

**“application form”** means the application form required to be submitted annually by each Vendor wishing to renew a Seasonal Vendor Permit;

**“Commission”** means the Salt Spring Island Electoral Area Parks and Recreation Commission as appointed by the Board of the CRD for community park function purposes;

**“day permit”** means the receipt, issued by the Market Coordinator on behalf of the CRD, which allows a Vendor to set up and use a vendor staff for one market day;

**“Farmers’ Market”** means the Salt Spring Island Farmers’ Market conducted weekly on Saturdays from the earlier of the Saturday of Easter weekend or the first Saturday in April to the last Saturday in October, annually, in and adjacent to Centennial Park in Ganges, Salt Spring Island, known as “Market in the Park”;

**“local producer”** means a person ordinarily a resident within the Electoral Area of Salt Spring Island who produces, prepares, makes, assembles or creates a product. This is generally referred to as the “Make It, Bake It, or Grow It” policy;

**“market coordinator”** means the person who provides on-site coordination services to regulate market day activities, including the issuing of permits, provides information and administers this Bylaw;

**“off season permit”** means a permit issued by the CRD to those vendors who have participated in the current years’ regular market season (April to October)

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and who apply to extend their operation in the “off season” (November to March) at the Market location;

**“seasonal vendor permit”** means a permit issued by the CRD allowing a vendor to set up and use a vendor stall on a weekly basis at the Market for the market season;

**“vendor fees”** means the schedule of fees set out in Bylaw No. 3623;

- (2) Despite anything to the contrary in this Bylaw, the Farmers’ Market may operate in the park known as Centennial Park located in Ganges, Salt Spring Island. The operating name of this market is “Market in the Park”.
- (3) The Farmers’ Market shall be administered and operated by the CRD.
- (4) The operation of the Farmers’ Market shall be subject to the following restrictions:
  - (a) the CRD shall operate the market as a local producer based market. Permits are to be offered on an islands first policy, primarily to local producers;
  - (b) the hours of the market shall be from 7 a.m. to 4 p.m. on Saturdays from the earlier of the Saturday of Easter weekend or the first Saturday in April of any calendar year, or if favourable weather conditions exist an earlier date as approved by the Commission, until the last Saturday of October of any calendar year inclusive;
  - (c) at the conclusion of the market each Saturday, every vendor who has participated in the market on that Saturday shall clean up that part of the park occupied by the vendor or within a radius of 10 feet of the vendor’s location and shall remove all litter and refuse from within that area.
- (5) The goods offered for sale at the Farmers’ Market shall be products grown, made or prepared by the vendor or made of components transformed or significantly altered by the vendor including:
  - (a) farm produce and products including fruits, vegetables, herbs, and edible flowers;
  - (b) prepared foods and baked goods where the foods are approved by all appropriate government authorities, including The Vancouver Island Health Authority;



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- (c) cultivated plants and flowers, including cut flowers;
  - (d) craft items that are of original, unique work or original design. In all items:
    - (i) the handcraft component must dominate the commercial, non-handcraft component;
    - (ii) the commercial components must be transformed in a way that makes the work unique;
    - (iii) the starting material must be significantly altered and enhanced by the artisan, and;
    - (iv) the product must meet basic expectations and minimum provincial and federal standards with regard to product life, function and safety.
  - (e) clothing which has been hand or machine sewn, stitched, knit, embroidered, woven, silk screened, or painted;
  - (f) original works of art, or prints, photographs, replicas or audio or video tapes of original works of art where the prints, photos, replicas or tapes are made by or at the direction or under the supervision of the artist.
- (6) Nothing in the section shall be interpreted as preventing the CRD from using a designation other than “Farmers’ Market” for the market established under subsection 13(2).
- (7) Use by vendors of Easement Areas A and B under the Easement Agreement between the Salt Spring Island Regional District and Bay Ventures Ltd., dated December 18, 1986 shall be primarily by vendors under subsections 13(5)(a) and 13(5)(c), which shall be reflected in the issuance of permits to vendors for those areas.
- (8) The Commission shall establish an advisory group to be called the “Market Advisory Group” the purpose of which will be to make recommendations to the Commission on all policy matters relating to the Farmers’ Market.
- (9) Vendor Permit Application:
- (a) A person who wishes to become a vendor at the Market must apply for and obtain a permit.
  - (b) A seasonal vendor permit may be issued to a person who submits an application form and:

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- (i) held a Seasonal Permit the previous year; or
  - (ii) has previously applied for and received Day Permits, has reached the top of the Season Vendor waiting list and vacancies exist due to previous Seasonal Permit holders not wishing to return to the Market
- (10) Vendor Fees and charges set out in Bylaw No. 3623 are hereby imposed in relation to the use of Centennial Park by a vendor under this section.

#### **14. 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 officer or peace officer.
- (2) The CRD 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. 3623.
- (4) The CRD 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 CRD or a park officer or peace officer, acting reasonably.
- (5) The CRD 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 Community Parks Manager or General Manager, acting reasonably, contravened any previous park use permit or contravened this Bylaw or any other bylaw or enactment related to the use of a community park.
- (6) The holder of a park use permit is solely responsible for the conduct of the

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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 CRD may impose one or more of the following conditions:
- (a) requiring that the permit holder provide security in an amount and form acceptable to the Community Parks Manager or General Manager to cover estimated clean-up costs following the event, activity or thing;
  - (b) requiring public liability insurance in an amount and form acceptable to CRD Risk Management;
  - (c) limiting the event, activity or thing to one or more specified community parks;
  - (d) limiting the event, activity or thing to one or more specified areas, locations or facilities within a community 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 following the event, activity or thing;
  - (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 comply with Vancouver Island Health Authority guidelines regarding food concessions.

(9) A person must not breach a condition of a park use permit.

**15. FEES**

(1) The Regional Board may from time to time establish fees and charges for services or issuing a park use permit.

**16. 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.

**17. REPEAL**

(1) Bylaw No. 2408, "Community Parks Regulations (Sooke Electoral Area) Bylaw No. 1, 1996", and any amendments thereto is hereby repealed.

(2) Bylaw No. 2930, "Community Parks Regulation (Salt Spring Island) Bylaw No. 1, 2001", and any amendments thereto, is hereby repealed.

**18. CITATION**

This Bylaw may be cited as "Community Parks Regulations (Juan de Fuca and Salt Spring Island Electoral Areas) Bylaw No.1, 2012".

READ A FIRST TIME THIS	14 <sup>th</sup>	day of	March,	2012
READ A SECOND TIME THIS	14 <sup>th</sup>	day of	March,	2012
READ A THIRD TIME THIS	14 <sup>th</sup>	day of	March,	2012
ADOPTED THIS	11 <sup>th</sup>	day of	April,	2012

Original signed by Geoff Young  
CHAIR

Original signed by Sonia Santarossa  
CORPORATE OFFICER

**SCHEDULE “A”**  
**Capital Regional District Community Parks**  
**List of Community Parks, Park Reserves, Trails and Corridors**

**Juan de Fuca Electoral Area**

Aspen Road Community Park	Otter Point Access Community Park
Amanda Place Community Park	Park Heights Community Park
Brotherstone Community Park	Priest Cabin Community Park
Carpenter Road Community Park	Seagirt Ponds Community Park
Copper Mine Community Park	Sherringham Point Community Trail
Corby Community Park	The Park in Port Renfrew Community Park
DeMamiel Community Park	The Shores Community Park
Eaglecrest Community Park	William Simmons Memorial Community Park
Elrose Community Park	Wrigglesworth Community Park
Elrose II Community Park	Becher Bay Community Park
Fishboat Bay Community Park	
Kaulitz Community Park	
Otter Point Community Park	

**Salt Spring Island Electoral Area**

**Parkland**

Artspring Community Arts Centre Site (Mouat Park)	Bullock Lake Trail Linear Park No. 1
Bader’s Beach Ravine Park Reserve	Bullock Lake Trail Linear Park No. 2
Beddis Beach Park	Centennial Park
Blackburn Road Park Reserve	Churchill Trail Linear Park
Buhlman Road Park Reserve	Churchill Road Linear Park
	Cormorant Crescent Park Reserve

## **Parkland (Cont'd)**

Cudmore Heights Park Reserve  
Cyril Cunningham Trust Fund Joint Management Lands (Nature Reserve)  
Desiree Drive Park Reserve  
Drummond Park  
Duck Creek Park  
Dunbabin Park  
Eagle Ridge Drive Park Reserve Lands (Madrona Bay)  
Fern Creek Park Reserve  
Forest Ridge Park Reserve  
Fulford Ballpark  
Fulford Tennis Court  
Gladys Pringle Farm Trail Linear Park  
Harrison Avenue Park Reserve Lands  
Highbridge Village Park (Channel Ridge)  
Isabella Point Road Park Reserve  
Kanaka Road Reserve #1  
Kanaka Road Reserve #2  
Kanaka Road Skateboard Park  
Lawnhill Drive Park Reserve  
Long Harbour Road Park Reserve  
Lyonesse Linear Park  
Madrona Bay Park  
Meyer Road Trail Linear Park  
Monteith Drive Park Reserve  
Mouat Park  
Mount Erskine Drive Linear Park Reserve  
Mount Erskine Upper Access Park Reserve  
Musgrave Point Park  
Peace Park  
Peck's Cove Park  
Peter Arnell Park  
Portlock Park  
Quarry Drive Park Reserve  
Rainbow Grove Phase I Park Reserve  
Rainbow Grove Phase II Park Reserve  
Rainbow Road Recreation Centre  
Reginald Hill Park Reserve  
Rotary Park  
Sir Echoes Linear Park Reserve  
South Ridge Drive Park Reserve  
Spring Gold Way Park Reserve  
Stewart Road Linear Park Reserve  
Bryant Hill Park Reserve ("80 Acre Park") ("Stewart Road")  
SunEagle Linear Park  
Teal Place Park Reserve (Trail Corridor)  
Trincomali Heights Linear Park

## **Parkland (Cont'd)**

Vesuvius Beach Parkland Public Access  
Webster Drive Park Reserve  
Welbury Bay Park

Wildwood Crescent Park Reserve  
Wilkie Way Park Reserve

## **Trails and Corridors**

Canvasback Trail Corridor  
Channel Ridge Southbridge Village  
Channel Ridge Undeveloped Lands  
Sandpiper Place Corridor  
West Eagle Trail  
Bayside Trail Corridor  
Creekside Commercial Complex  
Boardwalk  
Gasoline Alley Corridor Area 1 & Area 2  
Grace Point Boardwalk  
Grace Point Trail Corridor  
Gulf of Georgia Boardwalk

Meadowbrook Trail Corridor  
Murakami-Mouat Trail Corridor  
Rainbow Road Recreation Centre  
Village Terrace Corridor  
Armand Way Corridor  
Baker-Harrison Trail Corridor  
Cranberry Road Corridor  
Drake Road School Reserve Trail  
Corridor  
Mount Belcher Heights Trail Corridor  
Spence Hill Drive Corridor  
Liberty Hall Lane