

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2930**

(As amended by Bylaws No. 2974, No. 2983 and No. 3059)

*Consolidated version authorized in accordance with Bylaw No. 3014,
CRD Consolidation Authorization Bylaw No. 1, 2002*

**COMMUNITY PARKS REGULATIONS
(SALT SPRING ISLAND) BYLAW NO. 1, 2001**

*A bylaw for the operation of community parks
in the Salt Spring Island Electoral Area*

For reference to original bylaws and amendments, or for further details,
please contact the Administration Department, Capital Regional District,
524 Yates Street, Victoria, B.C., V8W 2S6

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2930**

**A BYLAW FOR THE OPERATION OF COMMUNITY PARKS IN THE
SALT SPRING ISLAND ELECTORAL AREA**

WHEREAS Division XIV of the Letters Patent, as amended, of the Capital Regional District provide that the Regional District may acquire, develop, operate and maintain community parks for the Electoral Area of Salt Spring Island;

AND WHEREAS Division IX of the Letters Patent, as amended, of the Capital Regional District further provide that the Regional Board of the Capital Regional District may, by bylaw, establish one or more Park Commissions, Recreation Commissions, or joint Parks and Recreation Commissions, and in such bylaw may delegate to the Commission any or all of the administrative powers of the Regional Board relating to:

- a) Community parks and park properties within electoral areas now or hereafter acquired by the Capital Regional District;
- b) The construction, equipping, operation and maintenance of recreational facilities within electoral areas now existing or hereafter undertaken by the Capital Regional District as a function of the said Regional District;
- c) The organization and conduct of recreational programmes within electoral areas now or hereafter authorized by the Capital Regional District as a function of the said Regional District;

AND WHEREAS by bylaw, the Regional Board has established the Salt Spring Island Parks, Arts and Recreation Commission and delegated to the Commission all the administrative powers of the Regional Board with respect to the development, maintenance and operation of all community parks within the Salt Spring Island Electoral Area;

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

1.0 INTERPRETATION

In this Bylaw, unless the context otherwise requires,

"Animal" means an organism other than man.

"Authorized Personnel" includes peace officer, conservation officer, animal control officer and bylaw enforcement officer or any person employed by the Commission or by the District.

"Bar-B-Que and Camp Stoves" means a portable apparatus with non-combustible legs and covered screen that utilizes gasoline, propane or briquets for the purpose of providing heat for cooking.

"Beach" means any area designated as a beach by the Commission or by posted sign.

"Commission" means the Salt Spring Island Parks, Arts and Recreation Commission appointed by bylaw of the District to administer community parks in the Electoral Area of Salt Spring Island.

"District" means the Capital Regional District.

"Driveway, Roadway or Path" means any way or thoroughfare within a park set apart and improved by grading, gravelling or other means for the use of pedestrians, vehicular or animal traffic.

"Natural Park Feature" means any native or non-native tree, shrub, flower, grass or plant of any kind; soil, sand, gravel, rock, mineral, wood, fallen timber or other living or dead natural material.

"Park" means all public parks, playgrounds, driveways, paths, trails, beaches, swimming pools, community centres, playing fields, buildings and other public places under the custody, care, management and jurisdiction of the Commission.

"Vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon land and shall include campers, house trailers and fifth wheels.

"Wildlife" means any native or non-native mammal, bird, insect, reptile, fish or other indigenous creature.

2.0 GENERAL REGULATIONS

2.1 No person shall:

- (a) cut, break, injure or in any way destroy or damage any tree, shrub, plant, turf or flower in any park;
- (b) deface, damage or destroy any building, structure, irrigation system, fence, sign, notice, seat, bench or ornament of any kind constructed or placed by the District or Commission in any park;
- (c) foul or pollute any fountain, lake, stream, pool or pond in any park.

2.2 No person shall climb, walk or sit upon any wall, fence, gate, sign, ornament or similar structure in or upon any park, or cross, travel or use any grass plot or land in any park where signs have been posted forbidding any such use, and no person shall deposit any waste, offensive matter or other substance of any kind in or upon any park except in the receptacles provided for such purpose.

2.3 No vending shall take place in any park without the Commission's written approval.

2.4 The Commission may under its terms and conditions, including the charging for space and/or services, allow vendors to sell or display for sale any refreshments or any article or things or services in any designated park.

2.5 No person, except an employee of the Commission or peace officer or conservation officer in the course of his duties, shall carry or discharge any firearms or weapon of any description, or fire, or explode any combustible or any other explosive material or kindle and maintain an open fire in any park.

2.6 No person shall use a barbecue or camp stove for the preparation of food or drink in any park except within areas designated for that purpose and at the times posted by the Commission.

- 2.7 No person shall throw or place upon the ground any lighted match, cigar, cigarette or other burning substance within the limits of any park.
- 2.8 No person shall play at any game whatsoever in or on any portion of any park except upon or in such portions thereof as may be especially allotted, designed and provided, respectively, for any purpose and under such rules and regulations, and at such times as shall be prescribed by the Commission, and without limiting the generality of the foregoing no person shall:

- (a) play golf or strike a golf ball;
- (b) fly any motor driven airplane;
- (c) shoot an arrow or practice archery;

except in areas designated or permitted by the Commission for such activities.

- 2.9 Any person:

- (a) having custody of a dog in a park must not permit the dog to be on any beach between June 1 and September 15, except for the purpose of passing through the beach with that person, at which time the dog shall be on a leash. For the purpose of this section, beach means a beach which is signed to permit dogs to pass through but not stay;
- (b) having custody of a dog, horse or other animal in a park must exercise control over the animal to ensure that the animal causes no annoyance or injury to any person or their animal(s), and no damage to any public or private property, or any natural park feature, wildlife or park facility;
- (c) having custody of a dog, horse or other animal in a park must exercise effective control over the dog or other animal by restraining it with a leash or lead, or by having the dog or other animal respond and return immediately when the handler calls the dog or other animal to return to the handler;
- (d) having custody of a dog, horse or other animal in a park must not permit the dog, horse or other animal to enter areas, signed as prohibited areas to dogs, horses or other animals, except a conservation officer or a peace officer in the course of carrying out his duties, or a person with a disability accompanied by a guide animal so long as the guide animal is held by a leash or harness or authorized personnel;
- (e) having custody of a dog, horse or other animal in a park must remove any excrement in a waste disposal container designated for that purpose, or carry the excrement out of the park, for suitable disposal, if no waste disposal containers are available;
- (f) having custody of a horse or other animal in a park must not permit the horse or other animal to graze or roam at large;
- (g) having custody of a dog, horse or other animal in a park must restrain the animal with a leash or lead no greater than 6 feet in length when required by a posted sign or when requested by authorized personnel;

- (h) having custody of a dog, horse or other animal must restrain or remove the dog, horse or other animal when required by authorized personnel.
- 2.10 No person shall conduct himself in a disorderly or offensive manner, or molest or injure any other person, or loiter or take up a temporary abode overnight in any park, or obstruct the free use and enjoyment of any park by any other person.
- 2.11 No person shall erect, construct or build or cause to be erected, constructed or built in or on any park any tent, building, shelter, pavilion or other structure whatsoever without the permission of the Commission having first been obtained.
- 2.12 (a) The Commission may, within any park, by posting signs or otherwise, designate areas for the parking of motor vehicles, designate times during which parking is permitted or prohibited, and designate the length of time for which a vehicle may be parked;
- (b) If the Commission has designated an area or areas in a park for the parking of motor vehicles, no person shall park a motor vehicle in the park except in the designated area;
- (c) No person shall park a motor vehicle in a park contrary to a sign or other designation under subsection 2.12 (a);
- (d) No person shall leave a motor vehicle parked in a park at any time when that person is not present in the park;
- (e) The Commission may regulate vehicular traffic within a park by use of signs, directional arrows, barricades or otherwise;
- (f) No person shall drive a motor vehicle in a park contrary to a sign, directional arrow, barricade or other form of traffic regulation established by the Commission;
- (g) Any person employed by the District or any member of the Commission or any peace officer is authorized to remove or have removed from any park a motor vehicle parked in contravention of this Bylaw. It shall be a term and condition of entry into a park that any cost or expense of or associated with removal of a vehicle under this section shall be borne by the driver of the vehicle.
- 2.13 The Commission, a peace officer, or any person employed by it or by the District, may remove or cause to be removed from any park any obstruction or thing placed therein or thereon contrary to the provisions of this Bylaw.
- 2.14 No person shall post, paint or distribute any advertisements or handbills in any park without Commission approval in writing.
- 2.15 No person, other than an employee of the Commission or person designated by the Commission, in the course of his duties, shall ride or drive any horse or other animal, or drive or propel or permit to be driven or propelled any vehicle in any park other than on a driveway, roadway, path or highway made and provided for such purpose; provided, however, that invalids' chairs and children's carriages may be allowed on the footwalks to such an extent and in such a manner as shall not interfere with the free use of such walks by pedestrians.

2.16 No person shall:

- (a) ride or drive any horse or other animal or drive or propel any vehicle in, upon or along any drive, roadway, path or highway in any park at a rate of speed in excess of 20 km/h unless otherwise posted;
- (b) drive any motor vehicle with the muffler disconnected, or commonly called "cut out" or in such a manner as shall constitute a nuisance or danger either to pedestrians or animals or to the property within any park;
- (c) fail to bring his horse, other animal or vehicle to a stop upon a signal or request from any person lawfully directing any traffic within a park, or fail to stop whenever any horse or other animal shows signs of fright or getting out of control;
- (d) ride or drive any horse or other animal or drive any vehicle in a manner contrary to any notice or sign posted by order of the Commission;
- (e) operate, drive or propel in any park any vehicle for the specific purpose of displaying advertisements of any kind or nature, or of any event, goods or services by loudspeaker without the written approval of the Commission;
- (f) park any vehicle in or along any driveway between the hours of 6 a.m. to 11 p.m. without reflectors or lighted parking lights prominently displayed on such vehicle at all times during which the vehicle is parked.

2.17 No person, except on the lawful business of the District or with written consent of the Commission, shall enter any park property between the hours of 11 p.m. and 6 a.m. the following day.

3.0 FARMERS' MARKET

3.1 In this section and in Appendix A:

"APPLICATION FORM" means the application form required to be submitted annually by each Vendor wishing to renew a Seasonal Vendor Permit.

"DAILY PERMIT" means the receipt, issued by the Market Coordinator on behalf of the Commission, which allows a Vendor to set up and use a vendor stall for one market day.

(Bylaw 3059)

"FARMER" means a vendor whose products include at least 90% unprocessed food items.

"FARM PERMITS-BASE FEE" means the basic fee for a receipt issued to farmers to allow set up and use of a vendor stall.

"LINEAR CHARGES" means the linear front footage charge made on a daily basis for tables set up for display and sales purposes in vendor stalls.

"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” 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”.

“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.

“MARKET PRODUCTS” means products or goods, described in subsection 3.5 of this Bylaw, made or prepared by the vendors.

“NOT FOR PROFIT GROUP” means a group that:

- a) is a registered society; and
- b) can show the purposes of which include serving the community and an advocacy role for its membership; and
- c) has bylaws that provide for a membership registration process, a general meeting and meeting notification process, an election process for Directors and Officers which happens at a general meeting, a requirement of majority vote by quorum, a requirement to keep records, a policy that procedures not covered by bylaws be governed by rules of order and general meetings that are held in a public place.

“SEASONAL VENDOR PERMIT” means a permit issued by the Commission allowing a Vendor to set up and use a vendor stall on a weekly basis at the Market for the market season.

(Bylaw 3059)

“VENDOR” means the local producer or his or her representative, who has made, baked or grown their product and whose primary residence is within the Salt Spring Island Electoral Area.

“VENDOR FEES” means the schedule of fees set out in Appendix A of this Bylaw.
(entire Sec. 3.1, Bylaw 2983)

- 3.2 A Farmers' Market may operate in the park known as Centennial Park located in Ganges, Salt Spring Island. The operating name of this market is to be "Market in the Park".
- 3.3 Without limiting the powers of the Commission under subsections 2.3 or 2.4, the Farmers' Market shall be administered and operated by the Commission.
- 3.4 The operation of the Farmers' Market shall be subject to the following restrictions:
 - (a) the Commission 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 Saturday of Easter weekend 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;
(Bylaws 2974, 3059)

- (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.
- 3.5 The goods offered for sale at the Farmers' Market shall be products 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 Capital Health Region;
 - (c) cultivated plants and flowers, including cut flowers;
 - (d) original crafts including but not limited to jewelry, pottery, wooden furniture, objects and toys, glass, pewter, silver, leather, paper and cloth objects;
 - (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. *(Bylaw 2983)*
- 3.6 Nothing in this section shall be interpreted as preventing the Commission from using a designation other than "Farmers' Market" for the market established under subsection 3.2. *(Bylaw 3059)*
- 3.7 Use by vendors of Easement Areas A and B under the Easement Agreement between the Regional District and Bay Ventures Ltd. dated December 18, 1986 shall be primarily by vendors under subsections 3.5(a) and 3.5(c). *(Bylaw 3059)*
- 3.8 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.
- 3.9 The members of the Market Advisory Group established under subsection 3.8 must be appointed by the Chairperson of the Commission who should endeavour to appoint the following to the Market Advisory Group:
- (a) one member of the Commission;
 - (b) the Administrator of the Commission;
 - (c) the Market Coordinator and the Assistant Market Coordinator of the Commission;
 - (d) two members drawn from the public at large;
 - (e) three vendors who regularly vend in the Farmers' Market;

- (f) one representative from each of the community guilds;
- (g) one representative of the Community Arts Council of Salt Spring Island;
- (h) one representative of the Chamber of Commerce;
- (i) one representative of the Island Natural Growers.

3.10 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:
 - i) held a Seasonal Permit the previous year or
 - ii) has previously applied for and received Daily 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. *(Bylaw 2983)*

3.11 Fees and charges set out in Appendix A are hereby imposed in relation to the use of Centennial Park by a vendor under this section. *(Bylaw 2983)*

4.0 PLAYGROUNDS AND COURTS

- 4.1 No person shall play at any games on any tennis court in any park unless wearing rubber-soled shoes without heels, and unless suitably equipped with the requisite appliances for any such game, and only at such times during such seasons, and under such rules and regulations as may be prescribed by the Commission from time to time.
- 4.2 No person shall 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.
- 4.3 No tournament or series of games shall be played in any park by any person or group of persons without the permission of the Commission having been first obtained.

5.0 ENFORCEMENT POWERS

- 5.1 All authorized personnel may enforce this Bylaw in the course of their duties.
- 5.2 Any authorized personnel may order a person who does anything contrary to this Bylaw to leave a park immediately, or within a period of time specified by the authorized personnel, and every person so ordered shall comply with the order and leave the park immediately or within the specified time period.

6.0 PENALTIES

- 6.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- 6.2 Every person who contravenes this Bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of any 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 more than \$2,000.00. *(Bylaws 2983, 3059)*

- 6.3 A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues. *(Bylaw 2983)*
- 6.4 The penalties imposed under subsection 6.2 hereof shall be in addition to and not in substitution of any other penalty or remedy imposed by this Bylaw.

7.0 REPEAL

Bylaw No. 1453, cited as "Community Parks Regulations (Salt Spring Island) Bylaw No. 1, 1996", and all amendments thereto, are repealed upon adoption of this Bylaw.

8.0 CITATION

This Bylaw may be cited as "Community Parks Regulations (Salt Spring Island) Bylaw No. 1, 2001".

READ A FIRST TIME THIS	28 th	day of	November	2001
READ A SECOND TIME THIS	28 th	day of	November	2001
READ A THIRD TIME THIS	28 th	day of	November	2001
ADOPTED THIS	12 th	day of	December	2001

Christopher M. Causton , CHAIR

Carmen I. Thiel, SECRETARY

This Bylaw is a copy of *Community Parks Regulations (Salt Spring Island) Bylaw No. 1, 2001*, consolidated under section 280.1 of the *Local Government Act* and is printed on the authority of the Corporate Secretary of the CRD.



Carmen I. Thiel, Corporate Secretary

APPENDIX A

(Bylaw 2983)

Fees and Charges – Centennial Park Market in the Park

Pursuant to subsection 3.11 of the bylaw, all Vendors must pay a Permit fee plus the applicable Daily Linear Charge per frontage foot. Permit fees plus applicable daily linear charge per frontage foot must be paid before a Permit is valid.

<u>Permit and Charges</u>	<u>Fee</u>
Seasonal Permit Holders	\$150/season
Daily Permits	\$5.00/day
Farm Permits – base fee	\$1.00/season
Not-For-Profit Permit	\$1.00/season
Linear Charges for table display space	\$1.25/frontage foot/day