

2019

Saturday Market Vendor Guidelines



108 – 121 McPhillips Avenue, Salt Spring Island
ssiparc@crd.bc.ca
www.crd.bc.ca/saltspring

Table of Contents

Table of Contents	1
1. Contact Information.....	2
2. Philosophy of the Market	2
3. The Market Season.....	2
4. FAQ	3
5. Definition of Terms Used	4
6. Who Administers the Market?	6
7. Products.....	7
8. Residency Requirements.....	8
9. How to Become a Vendor at the Market	8
10. Application for Vendors.....	9
11. Vendor Schedule of Fees 2019	10
12. Payment of Fees.....	11
13. How Space is Assigned	11
14. Days Off/Absent Points.....	11
15. Special Notes for Vendors	12
16. Leaves of Absence	13
17. Equipment & Product.....	14
18. Vendor Parking	14
19. Loading and Unloading	14
20. Clean Up.....	15
21. Market Etiquette.....	15
22. Animals	16
23. License and Special Requirements.....	16
24. Liability.....	16
25. Concerns and Suggestions.....	17
26. Enforcement and Disputes.....	17
Appendix A – Vendor Dispute Resolution Policy	18
Appendix B – Market Coordinator’s Duties and Responsibilities	20
Appendix C – Capital Regional District Bylaw No. 3795	22

1. Contact Information

Market Coordinator: Rob Pingle
Monday and Thursday 10:00am – 2:00pm, Saturday at the Market
Email: marketinthepark@crd.bc.ca ; Phone 250 537 6292

Salt Spring Island Parks and Recreation (CRD) Office:
ssiparc@crd.bc.ca ; Phone 250.537.4448; Office Hours M-F 8:30am to 4:30pm

2. Philosophy of the Market

The Market in the Park operates as a local producer based market. Island Residents are offered permits for vending in the Market on a point rating system discussed under Section 10.

The philosophy of the Market is:

**“Make it, Bake it, Grow it”
&
“Vendor Produced and Sold”**

3. The Market Season

Season

These are the dates for the Market Season and for the Off Season.

Season	Start Date	End Date
Summer	1st Saturday in April *	Last Saturday in October
Off Season **	1st Saturday in November	Last Saturday in March *

* If Easter weekend occurs earlier than the first weekend in April then the Market Season shall start on the Saturday of the Easter weekend.

** Food vendors are not permitted to vend in the Off-Season unless they have a permit and their kiosk is self-contained and complies with Health Regulation. The wash-up area and power are not available.

Hours of Operation

The hours of operation for the Market are from 9:00 am until 4:00 pm. These are the ‘usual’ vending hours for the Saturday Market.

Set up hours will change as a result of the daylight hours. The Market Coordinator will advise you when and if this will occur.

4. FAQ

1) When did the market start?

The market began its current inception in 1993 when The Capital Regional District created bylaws for the Parks and Recreation Commission to institute a permit system with the current “Make it, Bake it or Grow it” philosophy.

2) Why is the market the size that it is?

The zoning for Centennial Park restricts the amount of space that can be used for commerce to 25% of the park area. This allows a space for visitors on Saturday to relax while staying close to the market and helps to maintain green space in the park for the other days of the week.

3) Can the market expand?

In order to maintain the balance of the multiple users of the park space there are no plans to expand the market within the park boundaries.

Road closure of Fulford Ganges Rd between Centennial Park and the Fire Hall has been investigated several times. 1- The Harbour Authority’s public boat launch is adjacent to Centennial Park. Closing the road would require the boat trailers to use Purvis Lane to access the water on busy summer Saturdays. 2- Delivery trucks use this route as turning left at the corner of Purvis and Fulford Ganges is not permitted. 3- It is acknowledged that other communities block off streets for markets and events.

4) How do I get a spot in the market?

To get a consistent seasonal spot in the market takes at least five years. People interested in participating as a seasonal vendor must start as day vendors back filling spaces when seasonal vendors are away. Before participating as a day vendor people need to be approved by the market coordinator to ensure they are residents and are following the “Make it, Bake it, or Grow it” philosophy for their product.

5) Can I sell services at the market?

No, the market philosophy only allows for products to be sold at the market.

6) How do market issues get addressed?

The Market Advisory Group meets twice a year to review the guidelines and suggest changes to the Parks and Recreation Commission. They can strike sub-committees to research issues and will hold special meetings if necessary.

5. Definition of Terms Used

This section deals with the definitions used within the guidelines.

“Busker” – A busker is a resident who provides entertainment and is paid by putting “the hat out”. Face painters, clowns, balloon artists, acoustic musicians, magic and juggling acts can fall into this category.

“Child” - A person, 12 years of age or under, that is resident of Salt Spring Island.

“Capital Regional District or CRD” - A form of local government, authorized under the Municipal Act of BC to provide region-wide services. The CRD provides some of the services that a municipality would. The Capital Region includes communities and rural areas on southern Vancouver Island and the Gulf Islands.

“Day Vendor Permit” - A receipt, issued by the Market Coordinator on behalf of the CRD, which allows a Vendor to set up and use a vendor stall for one market day;

“Farmer” – a resident who vends eligible farm products as defined by the BC Assessment Authority on land classified for farming purposes that the farmer owns or leases. Eligibility is determined by valid BC Assessment notice indicating farm status or a valid BC Farmer ID Card:

- a. A farmer is permitted to sell value-added products whose contents, by volume, contain at least 50% of the product they have received farmer certification for.
 - i. All value added farm product vendors must have their products reviewed by a Market Advisory Group subcommittee to ensure the product complies with market guidelines and the spirit of the market.
- b. A farmer may use 10% of their booth space to sell non-farmed products as long as they have been produced by the farmer and follow the regular market guidelines.
- c. A farmer definition includes a vendor who leases land for the purpose of farming from the Salt Spring Island Farm Land Trust.
- d. Farmers who do not qualify for farm classification under BC Assessment may appeal to the Market Advisory Group.

“Local Producer” – A person who meets the residency requirement and who produces, prepares, makes, assembles or creates a product in accordance with the Market Philosophy.

“Market Advisory Group” - Representatives of the community appointed by the Chairman of PARC to provide advice and recommendations to the Commission concerning Market policies and operational matters.

“Not-for-Profit Groups” – A resident group that is a Registered Society or can show proof of the following:

- A mandate that includes serving the community and an advocacy role for its membership.
- Membership that is open to any resident.
- Written procedures/bylaws that include:
 - a membership registration process
 - a general meeting process and notification
 - an election process for directors and officers
 - a requirement of majority vote by quorum
 - a requirement to keep records
- Directors and Officers elected at a general meeting.
- General meetings that are held in a public place.

“Off Season Permit” – A permit issued by PARC to those vendors who have participated in the current years' regular market season (April to October) and who apply to extend their operation in the “off season” (November to March) at the Market location.

“Parks and Recreation Commission (PARC)” - A volunteer commission, appointed by the Board of the CRD, empowered by the Local Government Act of BC, and mandated by the CRD through bylaw, to advise the CRD on the acquisition, development, operation and maintenance of parks and to undertake recreation programming on Salt Spring Island.

“Partnership” – Two vendors that both appear on the Vendor Application and have provided proof of partnership. See **Section 10 Application for Vendors**.

“Primary Vendor” - A local producer who meets the Market Philosophy of “Make it, Bake it, Grow it” and “Vendor Produced and Sold”, who is a resident and who is also considered by this definition to be the principle participant in the business operation.

“Seasonal Vendor Permit” – A permit issued annually by PARC allowing the vendor to participate at the Market.

“Secondary Vendor” – A local producer who has participated in the making, baking or growing of the product with a Primary Vendor and is a resident of Salt Spring Island.

“Vendors Point System” - For every market day attended by a vendor, a point is recorded by the Market Coordinator. The system is used to determine the order of placement at the market.

“Vendors Seniority List” - A list that is kept and maintained by the Market Coordinator identifying Vendors in the order of placement at the Market.

“Youth” – A person between the ages of 13 and 17, inclusively, who is a resident of Salt Spring Island.

6. Who Administers the Market?

The Saturday Market in the Park is operated by the Capital Regional District (CRD) under the auspices of Salt Spring Island Parks and Recreation Commission (PARC).

Market Advisory Group

A Market Advisory Group (MAG) is appointed by the Chairman of the PARC Commission. Vacancies will be posted for new members to apply. The Group usually meets twice a year, in the spring and in the fall, and any other time throughout the Market season if required. The purpose of the Committee is to make recommendations to the PARC Commission on all policy matters relating to the Market.

The Market Advisory Group are your representatives. MAG is currently made up of the Market Coordinator, a PARC Commissioner, a member from the Chamber of Commerce and the Arts Council, 2 members of the public, as well as the following:

Vendors

Tye O'Connor
Bree Eagle
Sean Goddard

Representatives from community groups and guilds

Basketry

Fabric

Island Natural Growers

Jewelry

Potters

Woodworkers

Donna Cochrane
Donna Johnstone
Peri Lavender
Alvaro Sanchez
Anne Byrne
Grant Wickland

Capital Regional District

The Capital Regional District has Bylaws that relate to the operation of the Saturday Market in the Park. Bylaw 3795, A BYLAW TO REGULATE THE USE OF JUAN DE FUCA AND SALT SPRING ISLAND ELECTORAL AREAS COMMUNITY PARKS AND TRAILS, specifically Section 13, outlines the rules for the operation of the Market. See Appendix C, of these Guidelines, for the complete bylaw.

Market Coordinator

The Market Coordinator is contracted by PARC to assist in the operation of the Market. The Coordinator's job is to organize all of the activities of the day to day functioning of the Market and to enforce Market policies and guidelines. The Coordinator also acts as a conduit of information from the vendors and customers to the Market Advisory Group and PARC.

Appendix B, of these Guidelines, outlines the roles and responsibilities of the Market Coordinator.

7. Products

It is the responsibility of the Market Advisory Group in conjunction with the Market Coordinator to ensure that all the products being sold at the Market meet the Market philosophy. If there is any doubt by the Market Coordinator, that the product meets the Market Philosophy, the vendor may be subject to a jury process.

The goods offered for sale at the 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 Vancouver Island Health Authority;
- c) cultivated plants and flowers, including cut flowers;
- d) craft items that are of original, unique work or original design.

In all items:

- a) the handcraft component must dominate the commercial component,
 - b) the commercial components must be transformed in a way that makes the work unique
 - c) the starting material must be significantly altered and enhanced by the artisan, and
 - d) the product must meet basic expectations of 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, or books where the prints, photos, replicas, books or tapes are made by or at the direction or under the supervision of the artist.

8. Residency Requirements

To vend at the Market, a vendor must show two (2) items that prove that their primary residence is on Salt Spring Island. Proof of residency can be in the form of a drivers' license, hydro bill, rent receipt or phone bill in the vendor's name.

9. How to Become a Vendor at the Market

The Market Coordinator will review your registration to determine that your product meets with the Market Philosophy of "Make It, Bake It, Grow It"; that you are a Salt Spring Island resident; and that the product is locally produced.

Seasonal Vendors (Farm/Non Farm)

A Seasonal Vendor is a long term vendor or farmer who has obtained seasonal status by the acquisition of seniority points over a long period of time.

Seasonal vending positions are limited and in demand. As such, all of the seasonal positions are filled.

Either the Primary or the Secondary Vendor, as listed on the Permit, must be present for at least 50% of the season or may lose seasonal permit next season.

Seasonal Vendors must reapply annually, by the end of February, for the coming season. If approved, Seasonal Vendors must pay a seasonal fee to secure their spot. Farmers are given priority to a maximum of 25 10"x10" Seasonal Farm Vendor booths or equivalent square footages.

Seasonal permit holders will be required to meet the guidelines related to seasonal vendors and have paid any outstanding accounts to PARC from the previous Market season prior to a permit being issued. Seasonal vendors will be pre-registered for their allocated space during each of the Saturday markets during the regular season.

Seasonal permit holders are required to contact the Market Coordinator by 10:00 am on the Thursday prior to any given Saturday if they are not going to attend or they will be charged their regular daily fee. See Section 1 of these guidelines for contact information.

Day Vendors (Farm/Non Farm)

Day Vendors are required to contact the Market Coordinator or the PARC office to be placed on a point-based waiting list for each Saturday they wish to participate. See Section 1 of these guidelines for contact information.

Day Vendors who are on the waiting list, for any given Saturday, will be contacted by Thursday at 4pm if a space is available. Placement is at the

discretion of the Market Coordinator.

Last minute registration for Day Vendors will take place every Saturday of the Market season at the time of set up. Placement is at the discretion of the Market Coordinator and waitlisted vendors will be given priority. There is no guarantee that a space will be available.

10. Application for Vendors

A maximum of 2 vendors' names can appear on the application for the Market; the primary vendor and a secondary vendor. The two names that you put on the application must be the ones that will tend to the stall at the Market. These two vendors must participate in the making, baking or growing of the product.

There are two types of businesses at the market, a Sole Proprietor and a Partnership.

- a. For Sole Proprietorships, the first name that you put on the permit is the Primary Vendor and the second name is the Secondary Vendor. The first name is considered the Sole Proprietor and "owner" of the permit.

If you are working with someone else, it is important to consider who the first person named on the permit will be, as the Primary Vendor cannot transfer their Seasonal Permit or their seniority points to the Secondary Vendor, nor to anyone else. The second person named on the permit may be changed by the Primary Vendor at any time. The secondary vendor must participate in the making, baking, growing of the product.

- b. In a business that is a Partnership, both of the names that appear on the Vendor Application are considered Primary Vendors and "co-owners" of the business.

Proof of partnership is required in the form of an agreement, bank account, federal business registration, and provincial sales tax registration.

For an existing Seasonal Vendor to take on a new legal partner, they must receive MAG approval. Partnerships must be in existence for 5 years before the new partner can inherit the permit. If a partnership dissolves, the points will be split 50:50, or as stipulated by a dissolution agreement, or by the courts.

11. Vendor Schedule of Fees 2019 (includes applicable taxes)

PERMITS	
Seasonal (Farm/Non Farm)	\$218.49 per season
Day (Farm/Non Farm)	\$6.96 per day
Not-for-Profit	\$1.05 per season
Youth Vendor	\$1.05 per season
Busker	\$1.05 per season
Off-Season	\$29.93 per off-season
LINEAR FOOTAGE FEES Maximum 8 feet frontage*, unless grandfathered	
Seasonal (Non Farm)	\$2.63 per frontage foot per day
Day (Non Farm)	\$2.63 per frontage foot per day
Farm (Seasonal and Day)	\$2.63 per frontage foot per day
OTHER	
Power**	\$29.93 per season (where available)
Wash Station / Water***	\$42.00 per season
Cleaning Fee****	\$34.60/hour

* Please note that linear footage refers to the front footage measurement only. Many booth areas are not as deep as they are wide. Please discuss your potential vending spot with the Market Coordinator before purchasing any tents or canopies.

** Where available, a Vendor using power shall pay a supplemental fee. This service is not available in all areas of the Market.

*** Vendors that make use of the Market Wash-up Area shall pay a supplemental fee for water.

**** In the event that the Vendor does not clean up, a \$34.60/hour cleaning fee will be charged to the Vendor. Vendors must pay the cleaning fee by the next Market Day or a stall may not be assigned.

12. Payment of Fees

Seasonal Vendors (Farm/Non Farm)

Seasonal Permit Fees are due at time of application/renewal.

Linear footage charges for each month will be paid at the end of each month through the CRD/PARC office. Credit card information or post-dated cheques must be left at the CRD office, and will be processed each month.

If there are any arrears resulting from the prior year, they must be paid in full before current year's Seasonal Permit is issued.

Day Vendors (Farm/Non Farm)

Fees shall be paid each Saturday to the Market Coordinator.

13. How Space is Assigned

Seasonal Vendors are guaranteed their designated space each week for that season. In the event that they do not attend the Market on a given Saturday, the Market Coordinator will assign that space to a waitlisted Day Vendor. The Seasonal Vendor cannot transfer their space to another vendor or person.

A seniority point based system is used to establish the order of placement of the vendors. Each time a vendor is successful in being assigned a space to vend in for that day, he/she receives 1 point. The Market Coordinator records these points and they accumulate over time. The order of placement for the stalls begins with the vendor on the waitlist with the highest number of points, until all the spaces are occupied. If a vendor is not successful in getting a location, the vendor will not accumulate a point for that day.

A limited number of spots in the centre front aisle are available to Child/Youth Vendors and Non-Profits, on a first come, first served basis. Maximum size in the centre front aisle for these spots is 3' x 3'.

During the busy months of the Market Season, additional vendor spaces will be available in the wide area of the boardwalk only, for overflow. These spaces will be allocated by the Market Coordinator, if and only if the usual Market area is full.

See **Section 9 Day Vendors** for more information on the day vendor waitlist.

14. Days Off/Absent Points

Vendors, who have vended in the current season, can be absent and still be eligible to acquire points from the Market for four Saturdays during the Market Season if he/she wishes. This can be done by paying the day fee, for each of up to four Saturdays missed, to the Market Coordinator. Absent points may only be purchased for the current season.

15. Special Notes for Vendors

Food Vendors

Vendors selling prepared foods must follow the Vancouver Island Health Authority Guidelines for the Sale of Foods at Temporary Food Markets.

All food items determined to be high risk will require a health permit from the Vancouver Island Health Authority. Applicants must re-apply to the Health Authority if any changes are made to the process or composition of the food(s), or for any new foods proposed for sale. For further information see <http://www.viha.ca/mho/food>. Any questions can be directed to the District Environmental Health Officer, Chris Laughlin, at 250-519-3401.

The Market Coordinator is responsible for ensuring that food vendors have obtained approval from the local Health Authority for the sale of higher risk foods, and will not allow sales by vendors unless they have produced a Letter of Confirmation or a copy of their Permit/Licence to operate.

Vendors are required to have taken the Food Safe Level 1 program or MarketSafe.

Home prepared/package food may be subject to Canadian Food Inspection Agency and Health Canada (CFIA) requirements for allergens, labeling, weights and measures. Vendors are advised to check with their local CFIA office to ensure their packages/labels comply with applicable federal requirements.

Child and Youth Vendors

Children, 10 years and under, may vend for a maximum of 4 hours, and must be accompanied by an adult **at all times**.

Children, ages 11 and 12, may only vend a maximum of 4 hours per Saturday unless accompanied by an adult.

Youth, between the ages of 13 to 17 inclusive, may vend for the current hours of operation.

Child/youth vendors are expected to make change, when necessary, from the purchase of their goods. Any child/youth selling food products must follow the Vancouver Island Health Authority Guidelines for the Sale of Foods at Temporary Food Markets and have taken a FoodSafe Level 1 or MarketSafe course. Please see the 'Food Vendor' section above, for more information.

Please remember that your child must be protected from the sun and prepared for inclement weather. Adequate water and nourishment must also be provided.

The Market Coordinator/CRD Staff are not responsible for any unattended children.

Buskers

The Market Coordinator will assign the three available spots for buskers. Buskers are permitted to perform a maximum of 20 minutes in each of the three allocated spaces, once per Market day, and only between the hours of 11am and 4pm.

A maximum of 2 performers may busk together in any one of the allocated spaces.

An individual may only perform once in each allocated busker space, no matter how many groups they belong to.

No percussion or amplification is permitted.

The Market Coordinator has the authority to determine the acceptability of busker performances and refuse space when considered necessary.

Child Buskers

Child buskers singing and/or playing music will be approved at the discretion of the Market Coordinator. A child musician will be required to have two songs memorized and when a Child Busker first starts out they will only be allowed to play for 10 minutes. A letter from the Childs' music teacher may be requested. A Child Busker must be accompanied by an adult **at all times**.

Non Profit Organizations

Space for Non Profit Organizations shall be allocated by the Market Coordinator, usually in the centre of the front aisle of the Market. Placement shall be made on a first come basis and only if space is available. Maximum space allotment in the centre aisle is 3' x 3'.

16. Leaves of Absence

Any vendor that has attended the Market for a minimum of three years and has earned a minimum of 75 seniority points can apply for a leave of absence of up to one year. For extensions past this one year, a letter can be written to the Market Advisory Group. MAG shall review the request on an individual basis for extenuating circumstances such as medical, maternity, family emergency, education in their related Market field, etc.

During this period of absence, the Vendor will retain the points they have accumulated up to this time, but will not acquire any new points during the period of absence. For example, if you left the Market Season with 100 Points, when you return as a vendor you will still have 100 points. Please be aware that your place on the seniority list will more than likely decrease upon your return, as other vendors who continue to attend the Market will continue to gather points during your absence.

17. Equipment & Product

Vendors are required to supply their own equipment such as tables, canopies and market umbrellas. Canopies may not exceed the size of your approved stall. Note that footage refers to front footage measurement only. Many booth areas are not as deep as they are wide. Please discuss your potential vending spot with the Market Coordinator before purchasing any tents or canopies.

Vendors, themselves, all their equipment and product must be within their allocated vending space.

If you are selling by weight you must provide your own certified scales. If you do not own a scale, we suggest that you price your product by the unit (ie. The ear, the pint, head, bushel, bundle, peck, basket etc.)

Gasoline, diesel powered, and other noisy generators are prohibited at the Market.

Power cords may be permitted at the discretion of the Market Coordinator but must not create a hazard.

Spritzers, atomizers or any similar equipment may not be used to promote a product at the Market.

18. Vendor Parking

In order to increase the amount of parking available for Market customers there is no vendor parking anywhere within the downtown core area including the creek side of Gasoline Alley.

Vendor parking is available in the upper parking lot of ArtSpring on Seaview Avenue, along Seaview Avenue, Jackson Avenue and Rainbow Road.

Parking is not permitted in the area in front of Centennial Park along Fulford Ganges Road on Saturdays. This area can be used by vendors for loading and unloading (See Section 19 for Loading/Unloading procedures).

19. Loading and Unloading

Front Bricked Area

- Arrive at the Market early to help alleviate the congestion as a result of unloading.
- The area in front of Centennial Park along Fulford-Ganges Road may be used by vendors for loading and unloading as long as you do not disrupt traffic and you keep the length of stay short.
- Unload your vehicle and, **prior to setting up**, move your vehicle to one of the

approved parking locations outside of the Ganges core. Please do not leave your vehicle in the market area while running personal errands or setting up, as others are waiting to unload.

- At the end of the day, **pack up everything ready for loading** prior to bringing in your vehicle.

Gasoline Alley Vendors

- No vehicles are permitted in Gasoline Alley between 8:00am – 4:00pm.
- Unload your vehicle and, prior to setting up, **move** it to one of the approved parking locations outside of the Ganges Core.
- Keep the access to Gasoline Alley and the gasoline pumps clear when loading and unloading.
- At the end of the day, **pack up everything ready for loading** prior to bringing in your vehicle, as space is limited in Gasoline Alley.

20. Clean Up

It is the responsibility of all Vendors to leave their vending space free of any garbage at the end of the day. Vendors are responsible for removing their own personal trash or debris, and taking it home. The Market garbage cans are for customers only.

21. Market Etiquette

- a. As a general rule of consideration, a vendor will not do anything at or near a vendors stand or elsewhere in the Market that will cause a nuisance to other vendors or the public, whether by noise, debris, smell or otherwise.
- b. Spritzers and atomizers shall not be used at the Market to promote products.
- c. Use your space without infringing on your neighbors.
- d. If you have an 8 ft stall and an 8 ft table don't expect your neighbor to provide access through their market stall to your booth.
- e. Please be aware that most 8 ft stalls are not 8 feet deep, so an 8 ft tent or canopy will not fit within the booth area. In addition, many 8 ft tents are 8' x 8' at the top, but have legs that extend out to the side past 8 feet. Please discuss your potential vending spot with the Market Coordinator before purchasing any tents or canopies.
- f. Please work from within your allotted space. Vendors, themselves, all their equipment and product must be within their allocated vending space.
- g. In the case where samples are provided, ask customers if they are interested in a sample, while remaining within your market stall. When offering samples please provide napkins and a garbage container for the refuse.
- h. If you have visitors to your market stall please try to keep the visit length short or have the visitor come around the back of the booth for longer chats. This will help to improve the traffic flow and visual access.
- i. Vendors are required to provide a clean and sanitary environment.
- j. No alcohol or illegal drugs are to be brought to, sold or used at the Market.

- k. Pets must be left at home.
- l. Provide proper childcare for young children.
- m. If you sell out, and are leaving early, please do so with a minimum of disruption to your neighbours and their customers. If possible, pack up and leave your tables, etcetera, in place until the end of the Market day.

22. Animals

In accordance with CRD Bylaw 3795, domestic animals are not allowed anywhere in Centennial Park, except the SPCA Doggie Daycare area, when staffed. This includes the Market Area and vendor booths. Please leave your pets at home.

The sale of or giving away of animals at the Market is strictly prohibited.

23. License and Special Requirements

- a. Vendors are responsible for informing themselves about and complying with Regional, Provincial, and Federal health, taxation and licensing requirements governing the production, display, distribution, sampling and sale of their products.
- b. Vendors selling high risk foods must have a current approval of the Vancouver Island Health Authority. Food vendors are also required to have taken a Food Safe course. See Section 15 for more information.

24. Liability

Vendors are strongly encouraged to obtain commercial general liability insurance. The Capital Regional District does not insure the Vendor nor the Vendors Products.

It is the responsibility of the vendor to provide appropriate insurance coverage for the Market. By initialing your seasonal vendor application the vendor is accepting/confirming that they are aware of this responsibility to provide insurance and acknowledging that the CRD has no responsibility to carry, nor secure insurance for you.

This acceptance only confirms that you are aware of the insurance requirement, proof of insurance is not required for the event.

25. Concerns and Suggestions

Please do not lodge any complaints during the time of the Market Set-Up to the Market Coordinator. As you can appreciate, this is an extremely busy time of day. Voice your concerns later in the day when all the vendors are settled.

If the Market Coordinator is unable to deal with your concern, you will be asked to submit your complaint or suggestion to the CRD office in writing. This may be handed in to the Market Coordinator, mailed it to the CRD office at 108 – 121 McPhillips Avenue, Salt Spring Island, BC, V8K 2T6, or emailed to ssiparc@crd.bc.ca.

Neighbour Vendor Disputes

If your neighbour or neighbour's customers do something that you don't agree with or like, wait until the customer leaves before speaking to your neighbor. Speak quietly and rationally. Try to come to a mutual agreement. If you cannot resolve the issue, ask the Market Coordinator to assist you both in the resolution. If this process cannot achieve mutual satisfaction, then the Dispute will be resolved using the 'Vendor Dispute Resolution Policy' as found in Appendix A.

26. Enforcement and Disputes

The Market Coordinator has the authority to enforce Market guidelines and policies on behalf of PARC. The CRD Bylaw Enforcement Officer has the authority to enforce CRD Bylaws.

The Market Coordinator may enforce Market policies and guidelines with respect to vendor behavior, parking during Market hours, types of goods being sold in the Market, litter control and all other written policies and guidelines on the basis of:

1st Offence - verbal warning

2nd Offence - written warning

3rd offence - market privileges cancelled

If the Vendor does not comply with the guidelines established by PARC, the Market Coordinator may take any reasonable action, including immediately barring the vendor from the Market for that day and any future days.

The vendor may appeal any decision of the Market Coordinator, concerning violation of these rules, in writing to the PARC staff. PARC staff may send appeals to the Market Advisory Group for a recommendation.

The decision of staff shall be final.

Appendix A – Vendor Dispute Resolution Policy

1.0 Purpose

1.1 The purpose of this Policy is to ensure that there is a procedure for resolving differences that may arise between Vendors at the Market in the Park (the "**Market**") or to deal with a contravention by Vendors of Market Rules and Policies.

2.0 Dispute Resolution Process

2.1 If the Market Advisory Group becomes aware of a breach of Market Rules and Policies or receives a complaint which it considers to be serious regarding the conduct of a Market Vendor, then it shall invite the Market Vendor to a meeting to attempt to resolve the issue. If possible a complainant or a representative of a complainant should be given an opportunity to attend the meeting.

2.2 Following the meeting, the Market Advisory Group should confirm in writing any agreements or solutions which have been accepted by the Vendor or, if applicable, the complainant. If no agreement is reached during the course of the initial meeting and if no further meetings are thought useful to attempt to reach an agreement, then the Market Advisory Group should advise the Vendor that it will be making recommendations to the Salt Spring Island Parks and Recreation Commission (the "**Commission**") regarding the action to be taken to resolve the situation.

2.3 A letter should be sent from the Market Advisory Group to the Vendor advising the Vendor what action the Market Advisory Group will recommend be taken by the Commission if the issue is not resolved by a date established by the Market Advisory Group.

2.4 If the problem has not been resolved by the date set out in the letter from the Market Advisory Group, then the Market Advisory Group should recommend to the Commission that a letter be sent from the Commission, directed to the Vendor, setting out what steps are needed in order to ensure compliance with the policies established by the Commission for the running of the Market.

2.5 The Commission should meet to consider the issue. The Vendor should be notified of the date, time and location of the meeting and should be permitted to make representations to the Commission. After consideration of the issue, the Commission, if it so chooses, may send a letter to the Vendor setting out the specific actions to be taken or the specific conduct to be stopped by a particular date (or immediately) and warning the Vendor that if action is not taken in the time limit specified:

- (a) the Vendor risks having its Market permit revoked (Option A); or
- (b) the permit will be considered to have been revoked (Option B).

2.6 Finally, if the deadline established by the Commission for remedial action passes without any resolution to the conflict, then if Option A has been selected, the Commission should decide whether it wishes to revoke the Vendor's Market permit, or if the Commission has selected Option B, the Market Advisory Group may advise the Vendor that the licence has been revoked. (Revocation is a decision of the Commission itself. The Market Advisory Group can merely advise Vendors.)

3.0 Confidentiality of Complaints

3.1 Complainants will be asked whether there is any reason to keep their identity confidential. Reasons to preserve the confidentiality of the identity of the Complainant should relate to reasonable expectation that the Complainant will be subjected to an unduly aggressive or hostile reaction or a violent response from the Vendor about whom the complaints have been made.

Appendix B – Market Coordinator’s Duties and Responsibilities

SCOPE OF RESPONSIBILITY

The Market in the Park is located in the village of Ganges on Salt Spring Island and operates on Saturdays from the Easter long weekend or the first weekend in April, whichever is earlier, to the last weekend of October, annually. Activities take place in and adjacent to Centennial Park, which is made available by the Salt Spring Parks and Recreation Commission (PARC). Fees are charged for vendor space at the Market, with a set number of seasonal vendor spaces being available, as well as daily spaces rented on a seniority basis. Specific rules exist relative to the source of commodities offered for sale, referred to as the "Make it, Bake it, Grow it" guidelines. On-site coordination of activities is required during all hours the Market is in operation, as well as off-site administration activities provided before and after Market hours, by the Market Coordinator Contractor.

The following duties and responsibilities are required. The Contractor will:

- review all new vendor applications, ensure they qualify under the "Make it, Bake it, Grow it" guidelines and refer applications to PARC staff if necessary
- annually coordinate the assignment of seasonal vendor spaces within the designated Market area to account for the seniority of Farmer and Craft Vendors
- coordinate the placement and relocation of vendors within the designated Market area on a weekly basis to account for Seasonal Vendor absences and Day Vendor replacements
- collect day vendor fees, based on the fee schedule established by PARC; issue receipts; and, deposit all funds at the PARC office, together with copies of receipts, on a weekly basis
- provide a written weekly report, including a summary of fees collected and attendance figures for each vendor category, as well as a synopsis of the day's events during the official market season
- provide monthly attendance report of seasonal vendors identifying fees to be charged including "no show" fees
- take weekly calls from seasonal vendors reporting their absence
- ensure that all food vendors abide by Vancouver Island Health Authority (VIHA) regulations and have VIHA approval prior to vending
- regulate Children Vendors and Non-profit Organizations in the Market area
- monitor the three busking areas to ensure buskers are following the market guidelines
- ensure that Market signs are in place and supervised each Market day, and returned to storage at the end of the day
- provide direction and monitor the loading and unloading of vendors
- notify PARC staff about vendors who are deemed not to be adhering to the market by-laws, policies and regulations

SCOPE OF RESPONSIBILITY continued

- respond promptly to telephone/fax/mail/email inquiries regarding the Market philosophy, guidelines, rules and operations
- liaise with PARC representatives, PARC staff, the business community and VIHA representatives as required
- assist PARC staff to prepare Market Advisory Group (MAG) meeting agendas, attend MAG meetings, provide reports on activities and other matters as requested and follow up on assigned tasks
- hand out notices to vendors as and when required by PARC
- ensure copies of all records and correspondence are filed at the PARC administration office as requested
- monitor off season vending during the months of November and December to ensure that vendors are registered

Appendix C – Capital Regional District Bylaw No. 3795

**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.*

TABLE OF CONTENTS

	Page
1. Definitions	3
2. Administration of Bylaw and Enforcement Powers	6
3. Penalties	7
4. Public Conduct	8
5. Responsibility for Actions of Minors	9
6. Camping	10
7. Preservation of Natural Features, Wildlife and Park Features	10
8. Animals in Community Parks	12
9. Firearms and Hunting	13
10. Motor Vehicles	13
11. Commercial Services, Activities or Demonstrations	14
12. Playgrounds and Courts	15
13. Salt Spring Island Farmers' Market	15
14. Park Use Permits	18
15. Fees	20
16. Severability	20
17. Repeal	20
18. Citation	20

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3795

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

WHEREAS:

- A. By supplementary Letters Patent dated the 28th 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 3rd 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:

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

"**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;

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

"dangerous dog" means any dog that:

(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

CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations

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 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.
- (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.

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 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.

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

- (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;
 - (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, MPS 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, 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:

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

- (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 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 onsite 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:

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

- (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.
- (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;

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

- (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;
 - (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
 - (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:

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

- (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;
 - (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;

"offseason permit" means a permit issued by the CRD to those vendors who have participated in the current years' regular market season (April to October) 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:

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

- (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;
 - (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, nonhandcraft 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:
- (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 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:

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

- (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 14th day of March, 2012

READ A SECOND TIME THIS 14th day of March, 2012

READ A THIRD TIME THIS 14th day of March, 2012

ADOPTED THIS 11th day of April,2012

CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations

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
DeMamiel Community Park	Park
Eaglecrest Community Park	The Shores Community Park
Elrose Community Park	William Simmons Memorial Community
Elrose II Community Park	Park
Fishboat Bay Community Park	Wrigglesworth Community Park
Kaulitz Community Park	Becher Bay 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 Reserv

**CRD Bylaw No. 3795
JDF and SSI Community Parks Regulations**

Parkland (Cont'd)

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

Parkland (Cont'd)

SunEagle Linear Park	Webster Drive Park Reserve
Teal Place Park Reserve (Trail Corridor)	Welbury Bay Park
Trincomali Heights Linear Park	Wildwood Crescent Park Reserve
Vesuvius Beach Parkland Public Access	Wilkie Way Park Reserve

Trails and Corridors

Canvasback Trail Corridor	Meadowbrook Trail Corridor
Channel Ridge Southbridge Village	Murakami-Mouat Trail Corridor
Channel Ridge Undeveloped Lands	Rainbow Road Recreation Centre
Sandpiper Place Corridor	Village Terrace Corridor
West Eagle Trail	Armand Way Corridor
Bayside Trail Corridor	Baker-Harrison Trail Corridor
Creekside Commercial Complex Boardwalk	Cranberry Road Corridor
Gasoline Alley Corridor Area 1 & Area 2	Drake Road School Reserve Trail Corridor
Grace Point Boardwalk	Mount Belcher Heights Trail Corridor
Grace Point Trail Corridor	Spence Hill Drive Corridor
Gulf of Georgia Boardwalk	Liberty Hall Lane