

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 20)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the provisions of the *Parks Regulation Bylaw* pertaining to overnight sheltering by persons experiencing homelessness to better regulate overnight sheltering in parks, while respecting the importance and value of parks and public spaces for the health, wellbeing and shared enjoyment of all members of the community.

Contents

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 2(2)(b), 7(c), 8(3)(b) and (h), 29, 30, and 62 and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “Parks Regulation Bylaw, Amendment Bylaw (No. 20)”.

Amendments

- 2 The Parks Regulation Bylaw No. 07-059 is amended:
 - (a) in section 2 by
 - (i) deleting the definition of “homeless person”,
 - (ii) inserting, immediately after the definition of “park”, the following:

“ “person experiencing homelessness”

means a person who does not have

 - (a) a fixed address,
 - (b) a predictable safe residence to return to on a daily basis, and
 - (c) access to indoor shelter space or housing;”, and
 - (iii) inserting, immediately after the definition of “same location”, the following:

“ “temporary overnight shelter”

means a structure, improvement, or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from tarpaulin, plastic, cardboard, or other rigid or non-rigid material, used by a person experiencing homelessness to protect themselves from the elements and the risk of hypothermia;”;

- (b) in section 5A(5), by deleting the words “homeless person sheltering in a park pursuant to section 16A” and replacing them with “person experiencing homelessness occupying a temporary overnight shelter pursuant to section 17”;
- (c) in section 14, by inserting the following as new subsections (9) and (10):
 - “(9) A person must not, without prior written permission of the Director, bring into or possess in a park any of the following:
 - (a) pallets;
 - (b) fencing;
 - (c) lumber, plywood, drywall, insulation, or any other construction material;
 - (d) generators; or
 - (e) power tools.
 - (10) A person must not damage, modify, or otherwise tamper with any park infrastructure, including electrical, irrigation or plumbing systems, drinking fountains, washrooms, seating, fencing or structures lawfully in a park, or other objects placed in a park by the City and intended to be used by park patrons.”;
- (d) by deleting section 16 and replacing it with the following:
 - “16 No person may use, occupy, maintain, place, erect, or construct, or cause to be or used, occupied, maintained, placed, erected, or constructed, a shelter, tent, building, or other structure in a park except:
 - (a) for the purpose of an event permitted under section 5 and then only in accordance with the terms of the permit for that event;
 - (b) in accordance with section 5A and then only in accordance with a permit issued under that section; or
 - (c) with the express prior permission of the Council.”;
- (e) by repealing section 16A;

- (f) by renumbering sections 17 to 20 and sections 22A and 23 as new sections 20 to 25 respectively;
- (g) by inserting the following as the new sections 17 to 19:

“Temporary Overnight Shelter

- 17 (1) The prohibition in section 16 does not apply to a person experiencing homelessness who uses, occupies, maintains, erects, or constructs a temporary overnight shelter between the hours of 7:00 p.m. of one day and 7:00 a.m. of the next day, provided that it complies with subsection (2) and does not occupy more than 9 square metres in size, including all associated objects and possessions.
- (2) Temporary overnight shelter must not be used, occupied, maintained, placed, erected, or constructed at any time
 - (a) in, or within 4 metres of, an environmentally or culturally sensitive area, cemetery or burial ground, community garden, or horticultural area;
 - (b) in, or within 15 metres of, a playground, or a spray or wading pool;
 - (c) in, or within 4 metres of, a sports field or court, footpath, or road within a park;
 - (d) in, or within 4 metres of, any area within a park that has been designated for an event or activity under
 - (i) a valid and subsisting permit issued under the authority of this Bylaw, or
 - (ii) a lease, licence, or other agreement authorized by Council;
 - (e) within 4 metres of a private property line;
 - (f) within 50 metres of a school as defined in the *School Act*,
 - (g) within 4 metres of another temporary overnight shelter; or
 - (h) within any park or public place other than:
 - i. Alexander Park,
 - ii. Alston Green,
 - iii. Banfield Park,
 - iv. Barnard Park,
 - v. Begbie Green,

- vi. Begbie Parkway,
- vii. Blackwood Green,
- viii. Bushby Park,
- ix. Chapman Park,
- x. Charles Redfern Park,
- xi. Clawthorpe Avenue Park,
- xii. Clover Point Park,
- xiii. Ernest Todd Park,
- xiv. Fisherman's Wharf Park,
- xv. Gonzales Beach Park,
- xvi. Gower Park,
- xvii. Holland Point Park,
- xviii. Jackson Street Park,
- xix. Johnson Street Green,
- xx. Lime Bay Park,
- xxi. Mary Street Park,
- xxii. Mayfair Green/Tolmie Park,
- xxiii. Oaklands Park,
- xxiv. Olive Street Green,
- xxv. Oswald Park,
- xxvi. Pemberton Park,
- xxvii. Redfern Park,
- xxviii. Rupert Terrace Green,
- xxix. Scurrah Green,
- xxx. Selkirk Green,
- xxxi. Shelbourne Green,
- xxxii. Sitkum Park,
- xxxiii. Songhees Hillside Park, or
- xxxiv. William Stevenson Memorial Park.

Transfer or Discharge into a Park Prohibited

- 18 (1) No local government or public authority shall encourage or assist, directly or indirectly, a person experiencing homelessness or at risk of homelessness to take up abode or to shelter overnight in a park.
- (2) No local government or public authority shall release, discharge, direct, transfer, or transport a person in its care or custody who is experiencing homelessness, or is at risk of homelessness, to Victoria without first securing indoor shelter or housing for that person.
- (3) The prohibition in subsection (2) does not apply if the person is transferred or transported to lands within Victoria which are owned or controlled by:
- (a) that local government or public authority, or

- (b) the government of British Columbia or Canada.

Open Flame Appliances

- 19 (1) A person must not keep, store, or use in a park
- (a) a barbeque, stove, heater, or any other open flame appliance or improvised device, or
- (b) a propane tank, gasoline container, or any other flammable gas or liquid.
- (2) Subsection (1) does not apply to a barbeque used to prepare food, provided that it is
- (a) used in accordance with the manufacturer's instructions,
- (b) certified for outdoor use by the Canadian Standards Association (CSA),
- (c) located at least 2 metres from
- (i) any building, structure, or temporary overnight shelter, or
- (ii) any of the locations identified in section 17(2)(a) to (f), and
- (d) not used in any park or location where open flame is expressly prohibited.”; and
- (h) by amending the table of contents to reflect the above changes.

Commencement

- 3** This bylaw comes into force on adoption.

READ A FIRST TIME the	10th	day of	APRIL	2025
READ A SECOND TIME the	10th	day of	APRIL	2025
READ A THIRD TIME the	10th	day of	APRIL	2025
ADOPTED on the		day of		2025

CITY CLERK

MAYOR