

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 10)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Parks Regulation Bylaw to temporarily allow for daytime sheltering in City parks by persons experiencing homelessness and to better regulate such sheltering activity, as well as to permanently expand the list of parks and locations where sheltering activity is not permitted at any time.

Under its statutory powers, including sections 8(3)(b) and (h), 62, and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

1 This bylaw may be cited as the “Parks Regulation Bylaw, Amendment Bylaw (No. 10)”.

Amendment

2 The Parks Regulation Bylaw No. 07-059 is amended by

(a) deleting paragraphs (x) and (xi) in section 16A(2)(b) and inserting the following as new paragraphs (x) through (xvii):

“(x) Summit Park,

(xi) Moss Rocks Park,

(xii) MacDonald Park,

(xiii) South Park,

(xiv) Robert Porter Park,

(xv) David Spencer Park,

(xvi) an environmentally or culturally sensitive area, community garden, or horticultural area, or

(xvii) any area within a park that has been designated for an event or activity under

(A) a valid and subsisting permit issued under the authority of this Bylaw, or

(B) a lease, licence, or other agreement authorized by Council.”

(b) adding, immediately after section 16A, the following as a new section 16B:

“Sheltering during Pandemic

16B (1) Despite section 16A(2)(a), a homeless person may place, erect, maintain, or use a shelter, including a tent, lean-to, or other form of

overhead shelter constructed from a tarpaulin, plastic, cardboard, or any other rigid or non-rigid material, in a park at any time, provided that they comply with subsections (2) and (3).

- (2) A person must not place, erect, maintain or use a shelter in a park at any time
 - (a) in any area listed in section 16A(2)(b),
 - (b) within 8 metres of a playground,
 - (c) within 4 metres of any area listed in section 16A(2)(b),
 - (d) within 4 metres of any other shelter that is placed, erected, maintained or used in accordance with section 16A or this section,
 - (e) within 50 metres of a school as defined in the *School Act*, or
 - (f) that, including all associated objects or possessions, exceeds 9 square metres in size.
- (3) A person must not keep, store, or use in a park
 - (a) a barbeque, stove, heater, or any other open flame appliance, or
 - (b) a propane tank, gasoline container, or any other flammable gas or liquid."

Repeal of Pandemic Related Provision

3 Section 16B of the Parks Regulation Bylaw is repealed.

Commencement

- 4 (1) This bylaw, except section 3, comes into force on adoption.
- (2) Section 3 comes into force 30 days after the expiry or cancellation of the last extension of the provincial state of emergency declared on March 18, 2020 pursuant to the *Emergency Program Act*.

READ A FIRST TIME the 10th day of September 2020

READ A SECOND TIME the 10th day of September 2020

READ A THIRD TIME the 10th day of September 2020

ADOPTED on the

day of

2020

CITY CLERK

MAYOR