



Council Report For the Meeting of September 10, 2020

To: Council **Date:** September 8, 2020
From: Tom Zworski, City Solicitor
Subject: Parks Regulation Bylaw Amendment Bylaw

RECOMMENDATION

That Council give three readings to Bylaw No. 20-102: Parks Regulation Bylaw Amendment Bylaw (No. 10).

EXECUTIVE SUMMARY

On September 3, 2020, Council passed the following motion:

1. Direct the City Solicitor to prepare amendments to the Parks Regulation Bylaw, to the satisfaction of the Director of Parks, Recreation and Facilities, which include
 - a. the following temporary adjustments;
 - i. no prohibition on daytime sheltering in accordance with Council direction of May 21, 2020;
 - ii. Limitation on maximum size of a shelter (limit footprint of sheltering site);
 - iii. Spacing requirements for prevention of fire spread, access for emergency services, and maintain physical distancing to reduce spread of infection;
 - iv. Restrictions on possession of open flame appliances and combustible materials;
 - v. Creation of a buffer around areas where sheltering is prohibited in parks, as well as schools; and
 - vi. A clause repealing the amendments 30 days after the last extension of the Provincial state of emergency; and
 - b. the following permanent adjustment;
 - i. Adding community gardens and horticultural areas to the list of areas where sheltering is not permitted; and
 - ii. Adding Summit Park, Moss Rocks Park, MacDonald Park, South Park, Robert Porter Park, David Spencer Park, to the list of parks where sheltering is prohibited.

The attached bylaw implements those directions. In addition, in the course of the preparation of the bylaw, a further change was identified as necessary. The current section 16A(2)(b)(xi) prohibits sheltering only in areas that have been designated for an event or activity under a "a permit", which arguably does not include leases, licences, or other arrangements. This appears to be inconsistent

with the original intent of the bylaw and could potentially lead to conflicts where events are authorized under licences or otherwise. Therefore, the proposed bylaw includes an amendment that would extend the scope of this clause (now renumbered as (16A(2)(b)(xvii)) to cover not only events or activities under "a permit" but also under "a lease, licence, or other agreement authorized by Council". If Council does not wish to include this additional amendment, the appropriate process would be to give the proposed bylaw first reading and then amend section 2(a) of the bylaw by replacing the proposed clause (xvii) with the following:

"(xvii) 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."

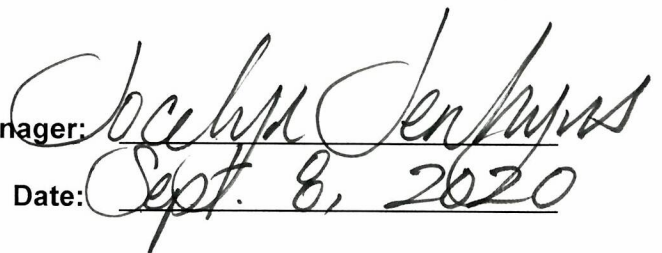
This, except for the clause number, is the language currently in the Parks Regulation Bylaw.

Respectfully submitted,



Tom Zworski
City Solicitor

Report accepted and recommended by the City Manager:


Date: Sept. 8, 2020