PARKS REGULATION BYLAW

BYLAW NO. 07-059

This consolidation is a copy of a bylaw
consolidated under the authority of
section 139 of the *Community Charter*.
(Consolidated on February 1, 2015 up to
Bylaw No. 10-074)

This bylaw is printed under and by
authority of the Corporate Administrator
of the Corporation of the City of Victoria.

NO. 07-059

PARKS REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 09-014, 09-021, 09-030, 09-052, 09-074, 10-021 and 10-074)

The purpose of this Bylaw is to consolidate, clarify, and modernize the Parks Regulation Bylaw.

Contents

PART 1 – INTRODUCTION

1 Title
2 Definitions
3 Application

PART 2 – PERMITTED USES OF PARKS

4 Games
5 Processions, races, concerts, special events
6 Swimming and beaches
7 Model aircraft
8 Commercial sales in park only by permit
9 Closing hours
10 Research

PART 3 – GENERAL REGULATIONS

11 Fire and firearms
12 Traffic and parking
13 Damage to environment, structures
14 Nuisances, obstructions
15 Uses prohibited by signs
16 Construction
16A Overnight Shelter
17 Animals at large

PART 4 – GENERAL

18 Offence
19 Impounding equipment
20 Penalties
21 Repealed
22 Repealed
22A Severance
23 Repeal

Schedule A – Park Facility Permit
Schedule B – Parade/Race Permit
Schedule C – Performance/Concert Permit
Schedule D – Special Event Permit
Schedule E – Model Aircraft Area
Schedule F – Victoria Youth Park
Schedule G – Research Permit

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

PART 1 – INTRODUCTION

Title

1 This Bylaw may be cited as the "PARKS REGULATION BYLAW".

Definitions

2 In this Bylaw, unless explicitly defined in another way,

"boulevard"

means a portion of a street or highway that has been seeded, sodded, or otherwise improved and maintained by the City;

"Clover Point Park"

means the park that is legally described as those parts of Section 82, Fairfield Farm Estate, Victoria City, Plan 13, that are shown outlined in red on Plan 524 OS;

"Director"

means the City's Director of Parks, Recreation & Community Development, or that person's designated representative;

"environmentally sensitive area"

means any part of a park that has any of the following characteristics:

(a) areas or landscape features identified in *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, published by the British Columbia Ministry of the Environment;

(b) areas or landscape features identified in a plan, map or City bylaw as environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for another similar purpose that is compatible with the conservation of ecological features and functions of the site;

"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;

"Franklin Green"

means the park, located on Mason Street, that is legally described as Lot 1, Suburban Lot 15, Victoria City, Plan 9091;

"homeless person"

means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis;

"Moss Rocks Park"

means the park that

(a) is legally described as Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649, except those parts in Plans 7726 and 9553, and

(b) was formerly described as Remainder Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649;

"park"

includes

(a) a public park, playground, square, green, footpath, beach, road in a park, and other public place that is not a street and that is under the custody, care, and management of the Director, and

(b) Bastion Square and Centennial Square;

"Pioneer Square"

means the park and cemetery that is

(a) marked as "Cemetery" on the Official Plan of the City of Victoria, and

(b) bounded

(i) on the north by Meares Street,

(ii) on the east by Lot 2005, Victoria City, Plan 35C,

(iii) on the south by Rockland Avenue, and

(iv) on the west by Quadra Street;

"remote controlled model aircraft"

(a) means a scale model aircraft that is controlled by means of a radio control system or a fixed line control system;

(b) includes

(i) model aircraft that are propeller or jet fan driven, and

(ii) gliders;

"vehicle"

(a) means a conveyance that is for transporting a person or thing, and that is powered by mechanical, muscular, animal, or other means, and

(b) includes bicycles and tricycles;

Victoria Youth Park

means that area set out in the plan in Schedule F.

Application

3 This Bylaw does not apply to those who are performing their duties as the City's employees, or to volunteers working under the direct supervision of a City Officer or employee.

PART 2 – PERMITTED USES OF PARKS

Games

4 (1) A person may play at a game in a park only if that game is played

(a) in or on a portion of the park that is specially designated for that purpose;

(b) in accordance with rules and times that are posted in the park.

(2) A person may play at a game on a tennis court or bowling green in a park only

(a) if that person is wearing rubber soled shoes without heels, and is otherwise suitably equipped for that game, and

(b) in accordance with the rules and times that are posted at that court or green.

(3) Before engaging in a game or organized play of any kind in a park, including practice for a game, a person must obtain from the Director a Park Facility Permit for that purpose.

(4) A Park Facility Permit must be in the form set out in Schedule A of this Bylaw and is subject to the terms and conditions in that Schedule.

(5) An applicant for a Park Facility Permit under this section must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Processions, races, concerts, special events

5 (1) The following events may be held in a park only with the prior express permission of the Director:

(a) processions, parades, rallies, demonstrations, marches, drills, and races;

(b) performances, concerts, weddings;

(c) ceremonies, street or other dances, festivals, block parties in a street, community or other fairs, exhibitions, gatherings, meetings, or other special events.

(2) Permission required under this section must be in the form set out in

(a) Schedule B for an event referred to in subsection (1)(a) *[Parade/Race Permit]*,

(b) Schedule C for an event referred to in subsection (1)(b) *[Performance/Concert Permit]*, and

(c) Schedule D for an event referred to in subsection (1)(c) *[Special Event Permit]*.

(3) An application for a Parade/Race Permit or a Special Event Permit must be made at least 30 days before the event for which the application is made.

(4) An application for a Special Event Permit must be made at least 45 days before the event for which the application is made if a beer garden is proposed in connection with the event.

(5) After receiving an application for permission under this section, the Director may consult with Council or any other person or body in relation to the application.

(6) The Director may refer an application under this section to Council for Council's consideration and determination.

(7) If the Director refuses an application for permission under this section, the person seeking permission may request that Council reconsider the Director's decision.

(8) A request for reconsideration under subsection (7) must be submitted in writing to the Corporate Administrator within seven (7) days of the Director's refusal.

(9) Permission given under this section is subject to the terms and conditions set out in Schedule B, C, or D.

(10) An applicant for a Performance/Concert Permit must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Swimming and beaches

6 A person

(a) may enter or bathe in water in or adjoining a park only at a bathing beach or pool set aside for that purpose;

(b) may enter or bathe in water in or adjoining a park only if that person is not contravening provisions of the *Criminal Code* (Canada) concerning public nudity and indecent exposure;

(c) may undress or dress in or adjacent to a bathing beach or swimming pool in a park only in places specially provided for that purpose;

(d) may enter a portion of a building in a park that is designated by sign for the use of a specified sex of person only if the person entering is of that sex;

(e) may play a game on a beach in a park only if that does not interfere with or become a nuisance or a hazard to the general public;

(f) may use a boat, or other device for travel on or in water, in the immediate vicinity of a bathing beach in a park only if that does not endanger, disturb or otherwise interfere with the free use of the water for bathing and swimming;

(g) must not interfere with or obstruct the carrying out of the duties of a person that is supervising or instructing swimming, bathing or aquatic games at a beach in a park;

(h) must not deposit or leave, or cause to be deposited or left, any thing on any beach in a park or in the adjacent water;

(i) must not do anything that does, or tends to, endanger, annoy, or disturb swimmers or bathers in or around a beach or pool in a park;

(j) must not drive, ride or exercise a horse, donkey, or mule on a beach in a park;

(k) must not permit a dog or other animal to swim in water in a park;

(l) must not, without the prior written consent of the Director, operate a saw with an internal combustion engine;

(m) must not excavate, dig a cave in, or in any other way cut open the natural terrain in a park.

Model aircraft

7 (1) In this section, “approved area” means the area shown on the map in Schedule E to be used for operating remote controlled model aircraft.

(2) A person may operate a remote controlled model aircraft in a park only

(a) in the approved area,

(b) if that person is a member of the Model Aeronautics Association of Canada or its local branch,

(c) if the Model Aeronautics Association of Canada or its local branch of which that person is a member has obtained a permit from the City for the operation of remote controlled model aircraft in the approved area,

(d) when that person and the City are included as additional insureds under a Model Aeronautics Association of Canada insurance policy for at least $3,000,000.00 general liability coverage, and

(e) if that person has received a League of Silent Flight Level 1 Certification or an equivalent certification from the Model Aeronautics Association of Canada.

(3) A person must not operate a remote controlled model aircraft in the approved area between sunset of one day and sunrise of the next day.

(4) Immediately before a person operates a remote controlled model aircraft in the approved area, the person must erect around the perimeter of the area, excluding the perimeter bounded by the dense brush and the edge of cliff shown on the map in Schedule E,

(a) at least 5 signs, each of which has a display face that

(i) is visible from outside the area,

(ii) measures at least 27 cm by 21 cm, and

(iii) contains the following words in letters covering as nearly as is possible the entire face: "Model Aircraft Flying in Progress. For Safety and Insurance Reasons, PLEASE DO NOT CROSS LINE", and

(b) a yellow 1 cm diameter rope that is approximately 45 cm above the ground.

(5) When a person is operating a remote controlled model aircraft in the approved area, the person must

(a) maintain signs and rope in accordance with subsection (4), and

(b) act in accordance with the Model Aeronautics Association of Canada's

(i) Safety Guidelines for Field Operations, and

(ii) Etiquette Code.

(6) A person must remove the signs and rope required under subsection (4) immediately after that person has finished operating a remote controlled model aircraft in the approved area.

(7) The Council may suspend, cancel, or refuse to renew a permit for the operation of a remote controlled model aircraft if a person, who is a member of the Model Aeronautics Association of Canada or its local branch to which the permit has been issued, has been found to be guilty of an offence because of a contravention of subsection (4) or (5).

Commercial sales in park only by permit

8 A person may conduct business, sell things, and expose things for sale or gift in a park only if that person first obtains the express permission of the Director.

Closing Hours

9 (1) A person must not cause a vehicle to be in Clover Point Park between 11:00 p.m. of one day and 6:00 a.m. of the next day.

(2) A person must not use the road leading to the lookout in Beacon Hill Park, known as Checkers Pavilion, between one-half hour after sunset of one day and one-half hour before sunrise of the next day.

(3) A person must not enter or remain in any of the following parks between one hour after sunset of one day and one hour before sunrise of the next day:

(a) Moss Rocks Park;

(b) Franklin Green;

(c) Pioneer Square.

(4) A person must not enter or remain in Victoria Youth Park between 10:30 p.m. of one day and 7:00 a.m. of the following day.

(5) Between 10:30 p.m. of one day and 7:00 a.m. of the following day a person must not bring into, leave in, or have in their possession in, Victoria Youth Park, a basketball, in-line skates, roller-skates, a skateboard, or a bicycle.

Research

10 (1) A person wishing to do research or collect specimens in a park must first obtain from the Director a Research Permit in the form set out in Schedule G.

(2) There is no set fee for a Research Permit, but an applicant must pay to the City its costs incurred in surveying, examining and inspecting the area affected by the application.

PART 3 – GENERAL REGULATIONS

Fire and firearms

11 A person must not do any of the following activities in a park:

(a) discharge a firearm, air gun, air rifle, air pistol, spring gun;

(b) discharge a bow, as defined in the *Wildlife Act*;

(c) fire or explode any combustible or other explosive material, other than the discharge of fireworks as permitted under the Fire Prevention and Regulation Bylaw;

(d) carry or make a fire unless

(i) that person has the Director's prior written consent, and

(ii) the fire is placed within a lawfully authorized fire pit;

(e) throw or place upon the ground any lighted match, cigar, cigarette or other burning substance.

Traffic and parking

12 (1) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:

(a) ride or drive a horse or other animal or drive or propel any vehicle in, on or along any road at a rate of speed not consistent with safety, having due regard to all other traffic;

(b) fail to bring his horse, animal or vehicle to a stop upon the request or signal from any person lawfully directing any traffic within any park, or from any person in charge of any horse or other animal, or stop whenever any horse or other animal shows signs of fright or getting out of control;

(c) ride or drive any horse or other animal or drive any vehicle in any direction other than the direction as designated by signs erected in the park;

(d) park any vehicle in or along any road between the hours of sunset and sunrise without parking lights or reflectors being prominently displayed on such vehicle at all times during such parking;

(e) drive or allow or permit a vehicle to be driven on a surface that is not a hard surfaced portion of established roads;

(f) park a vehicle in an area that is not set apart and posted for the parking of vehicles;

(g) park in a parking space on a parking lot that is clearly marked as reserved for some other person;

(h) park a vehicle in a park for longer than 3.5 hours between 7:00 a.m. and 6:00 p.m. of any day from Monday to Friday;

(i) park a vehicle for a purpose other than visiting the park;

(j) leave a vehicle parked when that person is not within the park;

(k) park a vehicle in a park for the purpose of sleeping overnight in the vehicle;

(l) sleep overnight in a vehicle in a park;

(m) clean a vehicle;

(n) ride or operate a bicycle other than on a road or footpath designated for that purpose by signage, and in the direction designated by signage;

(o) ride skates, skateboards, rollerblades or any similar apparatus other than on a road or footpath designated for that purpose by signage, and in the direction designated by signage;

(2) A person may drive a commercial vehicle transport through a park on a road other than Dallas Road, Douglas Street, Heywood Avenue, or Park Boulevard, only if that person has received the Director's prior written consent.

(3) A person may ride or drive a horse or other animal in a park only

(a) on a road provided for that purpose, and

(b) in the direction of travel that is designated by sign.

(4) A person must not drive an animal on a footpath that is designated by sign to be used only by pedestrian traffic.

Damage to environment, structures

13 (1) A person must not do any of the following activities in a park:

(a) cut, break, injure, remove, climb, or in any way destroy or damage

(i) a tree, shrub, plant, turf, flower, or seed, or

(ii) a building or structure**,** including a fence, sign, seat, bench, or ornament of any kind;

(b) foul or pollute a fountain or natural body of water;

(c) paint, smear, or otherwise deface or mutilate a rock in a park;

(d) damage, deface or destroy a notice or sign that is lawfully posted;

(e) transport household, yard, or commercial waste into a park for the purpose of disposal;

(f) dispose of household, yard, or commercial waste in a park.

(2) A person may deposit waste, debris, offensive matter, or other substances, excluding household, yard, and commercial waste, in a park only if deposited into receptacles provided for that purpose.

(3) The Director may erect or post signs or maps within a park for the purpose of indentifying the boundaries of one or more environmentally sensitive areas.

Nuisances, obstructions

14 (1) A person must not do any of the following activities in a park:

(a) behave in a disorderly or offensive manner;

(b) molest or injure another person;

(c) obstruct the free use and enjoyment of the park by another person;

(d) take up a temporary abode over night;

(e) paint advertisements;

(f) distribute handbills for commercial purposes;

(g) place posters;

(h) disturb, injure, or catch a bird, animal, or fish;

(i) throw or deposit injurious or offensive matter, or any matter that may cause a nuisance, into an enclosure used for keeping animals or birds;

(j) consume liquor, as defined in the *Liquor Control and Licensing Act*, except in compliance with a licence issued under the *Liquor Control and Licensing Act*.

(2) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:

(a) encumber or obstruct a footpath;

(b) drive a motor vehicle in contravention of the Noise Bylaw,

(c) drive a motor vehicle in a manner that constitutes a nuisance or danger to pedestrians, animals or property;

(d) operate, drive or propel a vehicle for the specific purpose of displaying or broadcasting advertisements;

(3) A person may remove from a park material or debris only if

(a) that person has received prior express permission under section 5, or

(b) it is not a fallen tree, it has been determined by the Director to be unnecessary for municipal purposes, and it contains a sign advising that the material or debris may be removed.

(4) A person may enter an enclosure used for keeping animals or birds only if that is authorized by the Director.

(5) The Council or a person employed by it, may remove or cause to be removed from a park any obstruction or thing placed there contrary to the provisions of this Bylaw, and recover the costs and expenses of the removal from the owner of the obstruction or thing.

(6) Despite subsection (1)(e) and (g), section 74(1) of the Streets and Traffic Bylaw, and section 3 of the Property Maintenance Bylaw, a person may place an advertisement in a park, other than Beacon Hill Park, if

(a) that person obtains prior written permission, from the Director, for the advertisement and its location,

(b) that person abides by the terms of the City's rental agreement for this purpose,

(c) the advertisement is placed only on bags authorized by the City, and on the City's structures that dispense them, for the purpose of disposing of animals' feces, and

(d) the advertisement complies with all laws other than those from which it is specifically excepted above.

Uses prohibited by signs

15 A person must not do any of the following activities contrary to signs posted in a park:

(a) climb, walk, or sit on a wall, fence, or other structure in a park or boulevard;

(b) cross, travel on, or use grassed areas.

Construction

16 (1) A person may erect or construct, or cause to be erected or constructed, a tent, building or structure, including a temporary structure such as a tent, in a park only as permitted under this Bylaw, or with the express prior permission of the Council,

(2) A person may erect or construct, or cause to be erected or constructed, a temporary building or structure, including a tent, in a park for the purpose of an event permitted under section 5(1), only in accordance with the terms of the permit for that event.

Overnight Shelter

16A (1) Sub-section (2) applies despite the general prohibitions under section 14(1)(d) and section 16(1) of this Bylaw.

(2) A homeless person must not place, secure, erect, use, or maintain in place, in a park, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material:

(a) subject to sub-section (b), except between the hours of:

(i) 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is not in effect; and

(ii) 8:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is in effect,

(b) at any time, in a playground, sports field, footpath, a road within a park, Bastion Square, 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.

Animals at large

17 A person having the control of an animal may allow it to run at large or feed in a park only if that is permitted under the Animal Control Bylaw.

PART 4 – GENERAL

Offence

18 A person who contravenes a provision of this Bylaw is guilty of an offence and is liable on conviction to the penalties imposed by this Bylaw and the *Offence Act*.

Impounding equipment

19 (1) The Manager of Parks, a person authorized by the Manager of Parks, or a member of a police force, on behalf of the City may remove, detain, and impound or cause the removal, detention or impounding of basketballs, in-line skates, roller skates, skateboards, and bicycles that are in Victoria Youth Park in contravention of section 9(5).

(2) After the detention, removal or impoundment of an object referred to in subsection (1), a person entitled to its possession may obtain its release by

(a) signing an undertaking that the person will not again use the object in contravention of section 9(5), and

(b) paying the city the fees described in subsection (3).

(3) For each detention, removal, and impoundment, the person entitled to possession of the detained object must pay to the City a $25.00 detention and removal fee.

(4) The Manager of Parks may cause a detained object to be sold, by public auction, to the highest bidder if

(a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and

(b) it appears to the Manager of Parks that the object has market value.

(5) The Manager of Parks must cause a detained object to be discarded as garbage if

(a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and

(b) it appears to the Manager of Parks that the object has no market value.

(6) The City's Corporate Administrator must apply the proceeds of an auction sale held under this section in the following manner:

(a) firstly, deduct the costs of the auction;

(b) secondly, deduct the fees payable to the City under subsection (3);

(c) finally, pay the surplus, if any, to the person entitled if that person's identity and location are known.

(7) The Corporate Administrator must apply the surplus referred to in subsection (6)(c) in the following manner if the identity or location of the person entitled to the surplus is not known:

(a) hold the surplus for one year from the date of the auction;

(b) pay the amount of the surplus into the City's General Revenue if the surplus is not claimed within one year from the date of the auction.

(8) An amount paid into General Revenue under subsection (7)(b) is forfeited to the City.

Penalties

20 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person

(a) contravenes a provision of this Bylaw,

(b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or

(c) neglects or refrains from doing anything required by a provision of this Bylaw.

(2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

Repealed

21 [Repealed]

Repealed

22 [Repealed]

Severance

22A If any section, sub-section, sentence, clause, or phrase of this Bylaw is for any reason found to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Repeal

23 Bylaw No. 91-19, the Parks Regulation Bylaw, is repealed.

READ A FIRST TIME the	**12th**	day of	**July**	2007
READ A SECOND TIME the	**12th**	day of	**July**	2007
READ A THIRD TIME the	**12th**	day of	**July**	2007
ADOPTED on the	**9th**	day of	**August**	2007

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

Schedule A

Park Facility Permit

(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

This Permit is subject to all of the terms and conditions stated below.

Permit Holder: _____

Names, addresses, telephone numbers, & titles of Permit Holder's Representatives: _____

_____

Facility permitted to be used: _____

Type of use: _____

Special conditions of use: _____

Date and time of use (include set-up and finish time): _____

Charges: _____

Beer Garden requested: ____ (yes) ____ (no)

The Permit Holder's Representative

(a) confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,

(b) on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and

(c) confirms that the Representative has and will exercise the authority and power to legally obligate the Permit Holder to comply with the terms and conditions of this Permit.

Signatures of Permit Holder's Representatives:

_____ _____

Terms and Conditions

(Park Facility Permit)

1. The City does not make any warranties or representations about the suitability, for the Permit Holder's purposes, or about the condition of the Facility for which this Permit is issued. In particular, the City's sports fields do not receive daily care or inspection. It is the Permit Holder's responsibility to inspect all sports fields that are part of the Facility permitted for which this Permit is issued and to ensure that those fields are suitable and safe for the Permit Holder's purposes.

2. The Permit Holder

   (a) may use only the Facility named in this Permit;

   (b) must not allow another person to use the Facility;

   (c) must exercise the greatest care in using the Facility;

   (d) must immediately report to the City's Department of Parks, Recreation, and Community Development all damages to the Facility that the Permit Holder causes;

   (e) must compensate the City for all damages that the Permit Holder causes to the Facility;

   (f) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;

   (g) may place an object in or on a grass field only after consulting with and following the directions of the City's Department of Parks, Recreation, and Community Development for the purpose of avoiding damage to underground irrigation systems;

   (h) must notify the City's Department of Parks, Recreation, and Community Development to cancel this Permit if the Permit Holder does not intend to use the Facility for which this Permit is issued;

   (i) may allow liquor to be present at a Facility for which this Permit is issued only if that is allowed by a permit issued under the Liquor Control and Licensing Act;

   (j) for the preparing and serving of food, and the operation of a food concession, must

      (i) obtain and comply with a permit for a catered function from the Vancouver Island Health Authority;

      (ii) comply with the *Health Act*.

3. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.

4. The Permit Holder will maintain commercial general liability insurance coverage for the purposes of indemnifying the City on the following bases:

   (a) the City will be covered as an additional named insured;

(b) the insurance policy will contain a cross liability clause;

(c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than $2 million per occurrence, including $2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued;

(d) the insurance policy will contain a clause providing that the insurer will give to the City 30 days prior written notice of a cancellation of insurance and of any important change to the coverage;

(e) the Permit Holder will give to the City an executed copy of a Certificate of Insurance as evidence of the coverage.

5. The Permit Holder understands that the City may revoke or cancel the Permit with cause.

Schedule B

Parade/Race Permit

(Parks Regulation Bylaw)

This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

The Permit Holder must complete the following matters if the Event for which this Permit is a major event:

(a) show proof of $2 million liability insurance,

(b) conduct a pre-event course inspection, and

(c) before the Event for which this Permit is issued, must obtain the consent of all participants to a waiver of all claims against the City for liability for injury, death, or damage that arises directly or indirectly in connection with the Event.

Permit Holder: _____

Address & telephone number of Permit Holder: _____

Type of Event permitted: _____

Location or route of Event (include map): _____

Date and Time of Event: _____

Approximate number of participants, bicycles, and vehicles involved in the Event: _____

Notice given by Permit Holder to residents & businesses potentially affected by the Event: ____ (yes ____ (no)

Other details: _____

_____

Comments:

Police Department (Traffic): _____

Engineering (Traffic): _____

Engineering (Parks): _____

Fire Department: _____

_____

Schedule C

Performance/Concert Permit

(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

This Permit is subject to all of the terms and conditions stated below.

Permit Holder: _____

Names, addresses, telephone numbers, & titles of Permit Holder's Representatives: _____

_____

Facility permitted to be used: _____

Type of use: _____

Date and time of use, including arrival & departure: _____

Services and structures to be provided by the City at its expense: _____

_____

Services and structures to be provided by the Permit Holder at its expense: _____

_____

Fee: _____

The Permit Holder's Representative

(a) confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,

(b) on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and

(c) confirms that the Representative has and will exercise the authority and power to legally obligate the Permit Holder to comply with the terms and conditions of this Permit.

Signatures of Permit Holder's Representatives:

_____ _____

Terms and Conditions

(Performance/Concert Permit)

1. This Permit in not valid until the Permit Holder signs and returns the copies of the Permit with the fee payment.
2. Part of a fee paid as a damage deposit for the Permit Holder's use of the Facility may be applied by the City to a claim made against the City as a result of that use.
3. The City may deduct an administration fee from part of a fee paid as a damage deposit for the Permit Holder's use of a Facility if the Permit Holder cancels this Permit.
4. The Permit Holder's Representatives must be present at the event for which this Permit is issued.
5. The Permit Holder
   (a) may use the Facility only for the type of use stated in this Permit;
   (b) must not assign any of the rights held under this Permit to another person;
   (c) must not allow another person, other than a spectator, to use the Facility;
   (d) must take all reasonable steps to ensure that participants do not violate any law;
   (e) must not allow its performers, employees, and agents to produce excessive sound and will comply with all of the City's requirements in connection with minimum and maximum sound levels permitted for the purpose of limiting nuisance to neighbouring residents and park users;
   (f) must pay all amounts owed to its performers, employees, and agents for the purpose of using the Facility for which this Permit is issued;
   (g) must pay all royalties and fees of authors, publishers and composers that become payable as a result of the Permit Holder's performances
   (h) must pay all assessments and taxes that are lawfully imposed by a government;
   (i) may place a structure, or cause it to be placed, in or on the Facility only after obtaining the written consent of the Director;
   (j) must not place posters, concerning the Facility or the Permit Holder's event in the Facility, on a sidewalk, a street, or a structure that is in or on a sidewalk or street, other than a cylinder or board provided for that purpose by the City;
   (k) must acknowledge, on all of its promotional material, all applicable co-sponsorship by the City for an event for which this Permit is issued,
   (l) must allow its concerts to be open to the public free of charge, and may accept donations only if the Permit Holder has paid a rental fee to the City;
   (m) must maintain the Facility in a clean and tidy condition when using it;
   (n) must not allow confetti to be used for weddings or any other event;
   (o) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;
   (p) must remove all of its property on or before the end of the time for which this Permit is issued;

(q) must ensure the safety of all equipment and other property owned by the City in the Facility;

(r) must immediately report to the City's Department of Parks, Recreation, and Community Development all damages that the Permit Holder causes to the Facility;

(s) must compensate the City for all damages and loss that the Permit Holder causes to the Facility and the City's equipment and other property at the Facility, including damages and loss resulting from riot but excluding damages and loss resulting from natural disasters, hostile acts against the Crown, and acts or omissions of the City's officers and employees.

6. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.

7. The Permit Holder will maintain comprehensive public liability insurance coverage for the purposes of indemnifying the City on the following bases:

(a) the City will be covered as an additional named insured;

(b) the insurance policy will contain a cross liability clause;

(c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than $2 million per occurrence, including $2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued.

8. In connection with the Cameron Bandshell in Beacon Hill Park, a Permit Holder

(a) must not carry on or allow any commercial promotion or activity,

(b) may use the pathway adjacent to the Bandshell only for the purposes of loading and unloading equipment

(c) must not park or cause or allow the parking of vehicles on the pathway adjacent to the Bandshell when they are not being used for the purposes of loading and unloading equipment;

(d) must obtain a Special Event Permit from the City for additional parking on Douglas Street soccer field if an event for which this Permit is issued is expected to have more than 2,000 spectators,

(e) must ensure that concerts are performed only at times between 9:30 a.m. and 9:30 p.m. of the same day,

(f) must ensure that concerts are not longer than 3 hours and that the Permit Holder's concert does not start earlier than 2 hours after another Permit Holder's concert at the Bandshell.

9. A Permit Holder

(a) must not park or cause or allow the parking of vehicles anywhere in Centennial Square, and

(b) must not place equipment, structures, or any other thing on the grassed area of Centennial Square.

Schedule D

Special Event Permit

(Parks Regulation Bylaw)

This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

Permit Holder: _____

Address & telephone number of Permit Holder: _____

Type of Event permitted: _____

Location of Event: _____

Date and Time of Event: _____

Approximate number of people and vehicles involved in the Event: _____

Notice given by Permit Holder to residents & businesses potentially affected by the Event: ____ (yes ____ (no)

Beer Garden requested: ____ (yes) ____ (no)

Other details: _____

_____

_____

Comments:

Police Department (Traffic): _____

_____

Engineering (Traffic): _____

_____

Engineering (Parks): _____

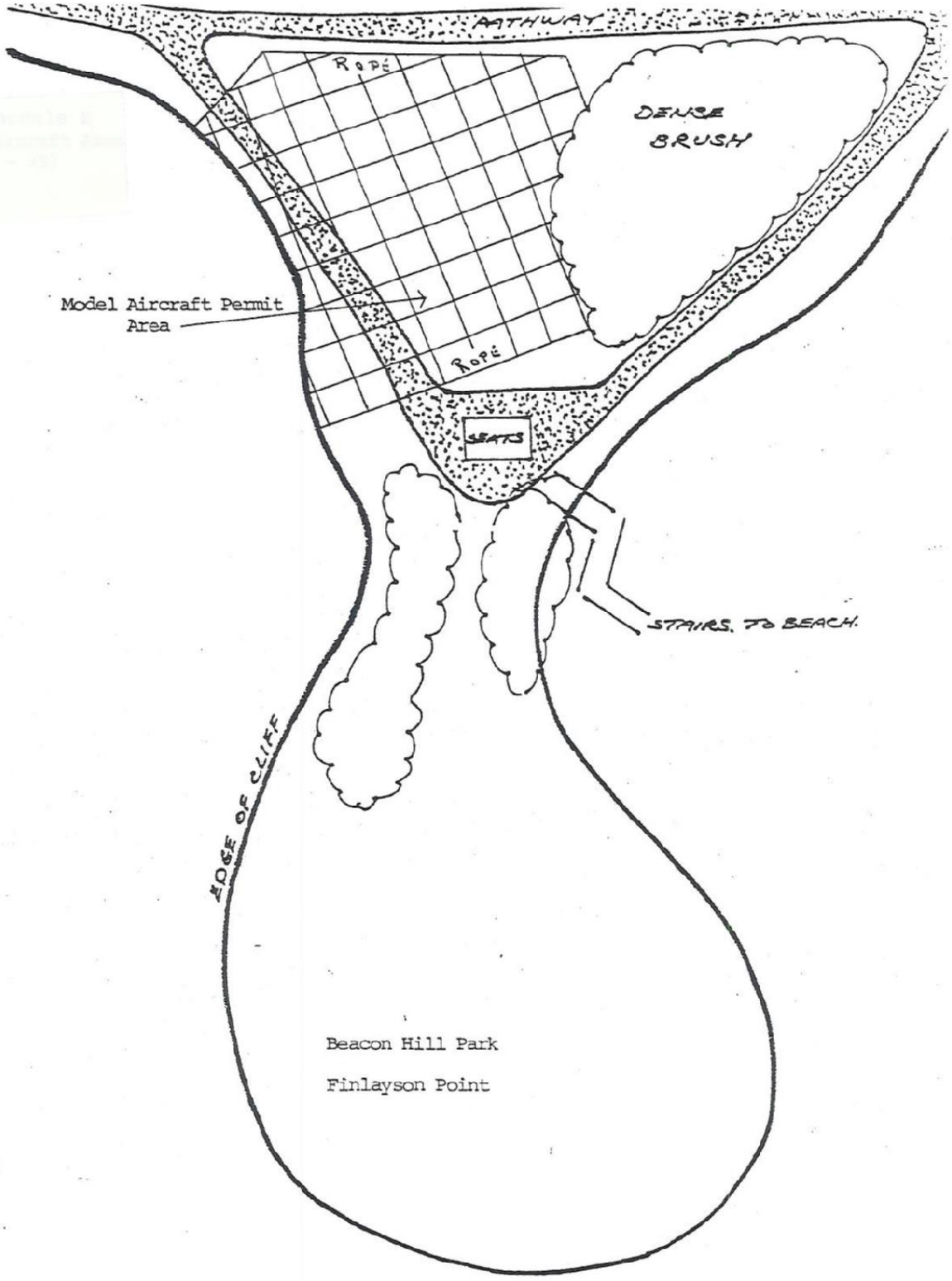
_____

Fire Department: _____

_____

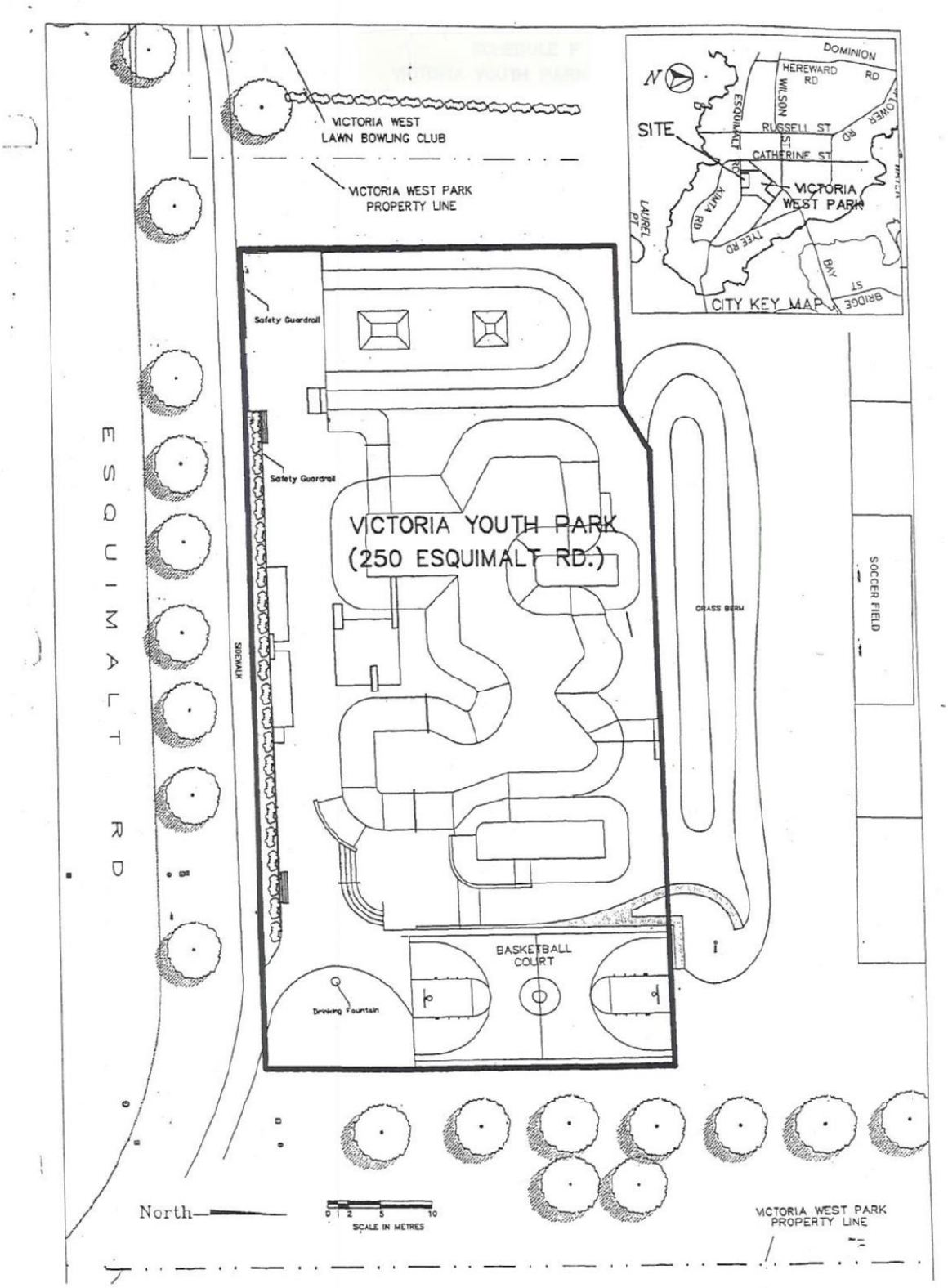
Schedule E

Model Aircraft Area



Schedule F

Victoria Youth Park



Schedule G

Research Permit

Application for a Research and Collection Permit in City of Victoria Parks

APPLICANT INFORMATION

COMPANY/SOCIETY/INDIVIDUAL NAME:_____

MAILING ADDRESS:_____

CITY / TOWN: PROV / STATE:_____

POSTAL / ZIP CODE:_____

BUSINESS PHONE NUMBER (AREA CODE):_____

FAX NUMBER (AREA CODE):_____

NAME OF CONTACT:_____

E-MAIL ADDRESS:_____

BUS. PHONE NUMBER (AREA CODE):_____

FAX NUMBER (AREA CODE):_____

CELLULAR PHONE NUMBER (AREA CODE):_____

NAME OF PARK(S):_____

PERIOD OF USE (INCLUSIVE):_____

FROM:_____ TO:_____

List all activities to be undertaken:

Collection of Specimens____ Survey/Inventory____ Research____ Monitoring____

Educational____Other(s)(specify):_____

Please attach a proposal that addresses the following:

A. Project description, including:

1. Purpose of research or educational activity;
2. Geographic location(s) of the activity (provide maps to an appropriate scale);
3. Scope and objectives of the research or educational activity;
4. Proposed methodology;

5. Detailed schedule for the project from start to completion with major benchmarks. Indicate how sensitive this schedule is to change (delays in approval, weather, etc.);
6. Resources required to undertake and manage the project, including all costs, proposed funding sources and other resources (equipment, supplies etc.);
7. Relevance of the proposal to the conservation and education mandate and objectives of the City
8. The reason for, type, number and intended use for each specimen collected;
9. Effects on vegetation, wildlife, species and ecosystems at risk and other protected area values;
10. What actions will be undertaken to mitigate impacts on protected area values resulting from the proposed research or educational activity; and
11. What report type(s) (thesis, publication, etc.) are anticipated and when will they be produced.

B. Project researcher(s), including:

1. Academic qualifications;
2. Duties with respect to the project;

Fees: Park use or permit fees are not charged for research and education activities. However, the applicant must pay the City for its costs incurred in surveying, examining and inspecting the area affected by the application.

THE APPLICANT HEREBY CERTIFIES THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of a park under this Permit.

Date:_____

_____
Signature of Applicant or Authorized Representative

Send completed application and proposal description to:

City of Victoria
Park Division
#1 Centennial Square
Victoria BC V8W 1P6

Project proposal reviewed by:_____

Date:_____

Revisions requested:_____

Project approved by:_____

Date:_____

Research Permit Guidelines

Permits are not issued for activities, which in the Director's opinion will adversely affect:

-conservation, recreation, or cultural values
-character and aesthetics of the protected area
-red/blue-listed species or ecosystems, species at risk,
-biogeoclimatic representation, etc
-critical or geographically unique characteristics
-public health and safety
-traditional use of the area by First Nations
-the local community
-recreational use or enjoyment of the park (regardless of the intended benefits of the proposed activities)

Permits do not allow the applicant:

-to operate vehicles off of roads within the parks
-to operate power equipment within the parks
-to carry on any activity that will disturb protected wildlife in the parks
-to damage or collect any species listed as endangered, threatened or of concern in the parks

Special permission is required to:

-interview park users or staff
-leave equipment unattended in the parks
-interfere with the use and enjoyment of the parks by park users
-interfere with the maintenance of parks by parks staff

The permit holder will be responsible for:

-ensuring personal and public safety during research activities
-any damage or injury to resources or property in the parks resulting from research activities
-compliance with all City bylaws governing the use of parks and public places

Permits are not transferable.

The City reserves the right to revoke any permit upon notice to the permit holder.

If the research results in the production of a publication or thesis, the researcher is required to forward a copy to the City of Victoria Parks division.