

## APPENDIX "A"

### Political expression in a park

- 5A (1) Except as authorized by a permit issued under section 5 or this section, a person must not
- (a) erect a sign or another structure in a park; or
  - (b) occupy a park or portion of a park in excess of six hours in a 24 hour period;
- as part of a protest, demonstration, or other political expression.
- (2) The Director must issue the permit referred to in subsection (1)(a) for a sign or another structure that conveys political expression unless the sign or another structure
- (a) obstructs or interferes with:
    - i. the use of a road or a pathway in a park;
    - ii. an irrigation system, a utility, or existing structure lawfully in a park; or
    - iii. the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons;
  - (b) would obstruct:
    - i. sightlines along any intersection in or adjacent to a park; or
    - ii. the use of a playground or a sport field.
  - (c) measures more than:
    - i. 1.6 metres in height at the highest point;
    - ii. 1.6 metres in width at its widest point; or

- iii. 1.0 metres in depth at its deepest point;
  - (d) has a base area that is larger than 1.6 metres square;
  - (e) contains moving parts, electrical or electronic components, or lights;
  - (f) is, in the opinion of the Director, unsafe or unstable; or
  - (g) was at the same location or in the same park within the previous seven days.
- (3) The Director must issue a permit referred to in subsection (1) for a protest, demonstration, or other political expression unless, in the Director's opinion, issuance of the permit would result in interference with
- (a) another approved event;
  - (b) scheduled maintenance, renovation, or other repair work in the park; or
  - (c) the use of a playground or a sports field.
- (4) A holder of a permit granted under subsection (2), or his or her authorized representative, must
- (a) attend at the sign or other structure for a minimum of six non-consecutive hours between the hours of 8 a.m. and 8 p.m. daily;
  - (b) remove the sign or other structure between the hours of 8 p.m. and 8 a.m. daily; and
  - (c) keep the sign or structure safe and in good repair at all times.
- (5) Subsection (4)(b) does not apply to a homeless person sheltering in a park pursuant to section 16A.

- (6) The holder of a permit issued under subsection (2) or (3) must not use or permit the use of:
- (a) electronic signs;
  - (b) electric or gas lighting or appliances;
  - (c) extension cords; or
  - (d) open flames, propane tanks, gas or electric heaters, or barbeques
- at or near the sign or other structure authorized by the permit.
- (7) The holder of a permit issued under subsection (2) or (3) must not use or promote the use of expression which:
- (a) is obscene;
  - (b) promotes hatred or violence;
  - (c) is defamatory; or
  - (d) contains commercial content.
- (8) A permit granted under subsection (2) is valid for seven days and the Director must not issue
- (a) more than two consecutive permits for the same location;
  - (b) more than six non-consecutive permits for the same location per year; and
  - (c) a permit to an applicant who is the current holder of such a permit.
- (9) The Director may cancel a permit if the permit holder has failed to comply with any provision of this Bylaw.

- (10) Notwithstanding subsection (1)(a), a permit is not required for a table used to convey political expression if
- (a) it is no larger than 1 metre in depth by 1.8 metre in width and .75 metres in height;
  - (b) it is placed in a park for no more than seven consecutive days;
  - (c) it is removed from a park between the hours of 8 p.m. and 8 a.m. daily;
  - (d) it is attended at all times by the permit holder or authorized representative;
  - (e) no more than one table is placed within any 100 metre radius;
  - (f) the name of the sponsoring person or organization is clearly displayed on the table;
  - (g) it does not obstruct or interfere with:
    - i. pedestrian or vehicular traffic;
    - ii. an irrigation system, a utility, existing structure lawfully in a park;
    - iii. the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons; or
    - iv. the use of a playground or a sport field;
  - (h) it contains no moving parts, electrical or electronic components or lights;
  - (i) it is structurally safe and stable;
  - (j) it is not used in association with any object referred to in subsection (6); and
  - (k) it is not used to promote any of the matters referred to in subsection (7).

### **Temporary Closures**

- 9A (1) The Director may order any park, or part of a park, to be closed to the public and may cause notices to be posted at the entrances to the park, or part of a park, indicating that it is closed to the public if the closure is necessary
- (a) for maintenance, renovation, or other work in the park; or
  - (b) for the safety of park users or staff due to construction activity or existence of hazardous conditions.
- (2) A person must not enter or remain in any park, or part of the park, that has been closed under subsection (1).
- (3) The closure under subsection (1)(a) may not be in effect for more than 21 consecutive days.
- (4) If the closure under subsection (1)(b) exceeds, or is expected to exceed, 21 days, the Director must report on the closure to Council.

### **No Interference with City Employees**

- 14A (1) A City employee engaged in clean-up, maintenance, renovation, or other work in a park may request any person in the park to move to another part of the park or to leave the park if it is necessary for the performance of the employee's duties.
- (2) A person requested to move under subsection (1) must promptly comply with the request and remove all of his or her property as directed by the City employee.
- (3) A person must not obstruct, or interfere in any way with, a City employee's performance of his or her duties in a park.
- (4) A person must not interfere with a bylaw officer in issuing a ticket or bylaw notice or otherwise carrying out his or her duties in accordance with this Bylaw.

### **Time limit on occupation of a park**

- 16B (1) A person must not occupy or remain in the same location in a park for more than six hours during any 24 hour period.
- (2) Subsection (1) does not apply to any of the following persons:

- (a) employees or agents of the City while they are acting in the course of their employment;
  - (b) a person attending a special event for which a permit has been issued by the Director;
  - (c) a holder of a permit under section 5 or 5A of this bylaw; or
  - (d) subject to subsection (3), a person to whom section 16A applies during the time when that person is authorized to erect an overnight shelter in accordance with that section.
- (3) A person to whom section 16A applies must not occupy or remain in the same location in a park where he or she had an overnight shelter the night before in accordance with section 16A.
  - (4) A person is deemed to occupy a location in a park if the person or his or her belongings are present in that location.

#### **Impounding**

- 19 (1) The Director, or a person authorized by the Director, bylaw officer, or a police officer, may remove, seize, and impound or cause the removal, seizure or impoundment of any property, matter or thing that has been unlawfully placed or left in a park.
- (2) After the seizure, removal or impoundment of an object referred to in subsection (1), the object must be made available to be claimed by a person entitled to its possession, in accordance with subsection (3), within six hours of it being removed, seized or impounded.
- (3) After the seizure, 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 unlawfully place or leave the object in a park;

- (b) paying to the City a fee of \$25 for the seizure, removal or impoundment, unless the Manager of Bylaw and Licensing Services is satisfied that the person is unable to pay the fee and it would cause him or her hardship if the object is not released.

#### **Other amendments**

In section 2 (definitions) add:

“occupy” means to remain in the same location or to leave one’s belongings in the same location;

“same location” means the area within 100 metre radius of the location previously occupied;

In section 19, change references to “Manager of Parks” to “Director”

Change the title of section 19 from “Impounding equipment” to “Impounding”

Add (d) to section 20(1): “(d) obstructs or interferes with a bylaw officer in the enforcement of this Bylaw.”

Consequential amendments to the Ticketing Bylaw