

NO. 17-099

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 8)
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Parks Regulation Bylaw* to provide better regulations necessary for proper management and operations of the municipal parks in the City of Victoria and to provide an effective system of permitting for signs and other structures containing political expression in municipal parks that respects the importance of freedom of expression while balancing with other competing requirements for this scarce public resource.

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Under its statutory powers, including sections 8(3)(b), 62, 64 and 65 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. 8)".

Amendments to the *Parks Regulation Bylaw*

- 2 The *Parks Regulation Bylaw No. 07-059* is amended
 - (1) by inserting in section 2,
 - (a) immediately following the definition of "Moss Rocks Park", the following:

“ “occupy” means to remain in the same location or leave one’s belongings in the same location;” and
 - (b) immediately following the definition of "remote controlled model aircraft", the following:

“ “same location” means the area within 100 metre radius of the location previously occupied;”;
 - (2) by inserting, immediately following section 5, the following as the new section 5A:

“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 barbequesat 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).”;

(3) by inserting, immediately following section 9, the following as the new section 9A:

“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.”;

(4) by inserting, immediately following section 14, the following as the new section 14A:

“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.”;
- (5) by inserting, immediately following section 16A, the following as the new section 16B:

“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.”;
- (6) in section 19
 - (a) by deleting the word “equipment” in the section heading;
 - (b) by repealing subsections (1) through (3) and replacing them with the following:
 - (c) by deleting the words “Manager of Parks” wherever they appear in section 19 and replacing them with “Director”.; and
 - (7) in section 20(1)
 - (a) by deleting “or” at the end of paragraph (b),

- (b) by deleting the period at the end of paragraph (c) and replacing it with “, or”, and
- (c) by adding, immediately following paragraph (c), the following as a new paragraph (d):
 - “(d) obstructs or interferes with a bylaw officer in the enforcement of this bylaw.”.

Consequential amendment to the *Ticket Bylaw*

3 The *Ticket Bylaw No. 10-071* is amended in Schedule X by inserting,

- (a) immediately below the row containing “Event without permission”, the following new rows:

Sign or other structure without a permit	5A(1)	\$100.00	\$75.00
Failure to attend sign or structure	5A(4)(a)	\$100.00	\$75.00
Failure to remove sign or other structure overnight	5A(4)(b)	\$100.00	\$75.00
Failure to keep the sign or other structure safe and in good repair	5A(4)(c)	\$100.00	\$75.00
Use of electronic signs	5A(6)(a)	\$100.00	\$75.00
Use of electric or gas lighting or appliances	5A(6)(b)	\$100.00	\$75.00
Use of extension cords	5A(6)(c)	\$100.00	\$75.00
Use of open flame, propane tanks, gas or electric heaters, or barbeques	5A(6)(d)	\$100.00	\$75.00
Use or promotion of expression that is obscene, promotes hatred or violence, defamatory or contains commercial content	5A(7)	\$100.00	\$75.00

- (b) immediately below the row containing “Unauthorized object in park during unauthorized hours”, the following new rows:

Entering or remaining in a park or part of a park that has been closed	9A(2)	\$100.00	\$75.00
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(c) immediately below the row containing "Unauthorized advertisement", the following new rows:

Failure to comply with direction of a City employee	14A(2)	\$100.00	\$75.00
Obstructing a City employee	14A(3)	\$100.00	\$75.00
Interference with a bylaw officer	14A(4)	\$100.00	\$75.00

(d) immediately below the row containing "Erect overnight shelter other than permitted time/location", the following new rows:

Occupying or remaining in the same location in excess of 6 hours	16B(1)	\$100.00	\$75.00
Remaining in the same location where the person sheltered the night before	16B(3)	\$100.00	\$75.00

Effective Date

4 This Bylaw comes into force upon adoption.

READ A FIRST TIME the _____ day of _____ 2017.

READ A SECOND TIME the _____ day of _____ 2017.

READ A THIRD TIME the _____ day of _____ 2017.

ADOPTED on the _____ day of _____ 2017.

CITY CLERK

MAYOR