

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Parks Regulation Bylaw on an interim basis, so as to regulate the use of City parks as a place of overnight shelter, pending the decision of the British Columbia Court of Appeal in the case of *The Corporation of the City of Victoria v. Adams, et al*, Court of Appeal Registry No. CA36551.

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

- 1 This Bylaw may be cited as the "PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 1)".
- 2 The Parks Regulation Bylaw is amended by inserting after section 16 the following provision as section 16A:

“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 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 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day,
 - (b) at any time, in a playground, sports field, footpath, a road within a park, Bastion Square, 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.”

- 3 The Parks Regulation Bylaw is further amended by inserting after section 22 the following provision as section 22A:

“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.”

4 Section 16A of the Parks Regulation Bylaw comes into force upon the adoption of this Bylaw, and shall continue in force only until 11:59 p.m. on March 7, 2009.

READ A FIRST TIME the	29 th	day of	January,	2009
READ A SECOND TIME the	29 th	day of	January,	2009
AMENDED on the	29 th	day of	January,	2009
READ A THIRD TIME the	29 th	day of	January,	2009
ADOPTED on the	5 th	day of	February,	2009

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR