

**PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 2)**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to further 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. 2)".
- 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 8:00 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, 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."

- 3 The Parks Regulation Bylaw is further amended by inserting the following definition of "environmentally sensitive area" immediately after the definition of "Director" in section 2:

**"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;
- (c) an area of a park that is designated or managed for the conservation of ecological features and functions of the site."

4 The Parks Regulation Bylaw is further amended in section 13 by adding the following as subsection (3):

"(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."

5 Section 2 of this Bylaw comes into force at 12:00 p.m. on March 7, 2009, and continues in force only until 11:59 p.m. on April 30, 2009.

READ A FIRST TIME the	19 <sup>th</sup>	day of	February,	2009
READ A SECOND TIME the	19 <sup>th</sup>	day of	February,	2009
READ A THIRD TIME the	19 <sup>th</sup>	day of	February,	2009
ADOPTED on the	5 <sup>th</sup>	day of	March,	2009

"ROBERT G. WOODLAND"  
CORPORATE ADMINISTRATOR

"DEAN FORTIN"  
MAYOR