

BYLAW NO. 516	
Bylaw name:	Bylaw No. 516 being “Electoral Areas Parks Regulations Bylaw No. 103, 2010, Amendment No. 5”
Participants:	Electoral Area ‘A’ (Baynes Sound / Denman – Hornby Islands), Electoral Area ‘B’ (Lazo North) and Electoral Area ‘C’ (Puntledge – Black Creek)
Purpose:	A bylaw to amend the parks regulations bylaw to include new parks and greenways and to update park regulations.
Amends bylaw:	Electoral Areas Parks Regulations Bylaw No. 103, 2010
Repeals bylaw:	N/A
Staff contact:	Ian Smith, general manager of community services

STATUS	
Committee approval:	February 5, 2018 Electoral Areas Services Committee meeting: THAT Bylaw No.103 being “Electoral Areas Parks Regulations Bylaw No. 103, 2010” be amended to reflect the following changes as noted in the staff report dated February 1, 2018: i. provision for fire bans; ii. regulations related to use of ebikes; iii. provision for temporary smoking bans; iv. deleting reference to special use permits; and v. adding the identified new parks and greenways, maps, designations and other housekeeping revisions.
1st & 2nd readings:	February 27, 2018
3rd reading:	February 27, 2018
Ministry approval:	N/A
Final adoption:	

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 516

A bylaw to amend the parks regulations bylaw to include new parks and greenways and to update park regulations.

WHEREAS the Comox Valley Regional District adopted Bylaw No. 103 being the “Electoral Areas Parks Regulations Bylaw No. 103, 2010” on April 27, 2010;

AND WHEREAS the board desires to update the bylaw to add recently acquired, expanded and/or newly named parks, and to update and apply certain parks regulations;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Amendment

1. Bylaw No. 103 being “Electoral Areas Parks Regulations Bylaw No. 103, 2010” is hereby amended by:
 - a) Inserting new definitions in section 2 “Interpretation” as follows:

“Ebike” means a motor assisted cycle that weighs less than 40kg and has a wheel diameter equal to or larger than 660 mm and does not include motorbikes, motorcycles, ATV’s, or other motorized vehicle, and is in accordance with the motor assisted cycle regulation BC Reg 151, 2002 as amended.

“Smoke” or “Smoking” means to purposely inhale or exhale smoke from or burn or carry, a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other substance, but does not apply to the ceremonial use of tobacco in connection with a traditional aboriginal cultural activity.
 - b) Inserting a new section 7 “Smoking” as follows:

“7. A temporary smoking ban can be placed on park facilities by the regional district posting no smoking signs or by a fire chief order.”
and renumbering the remaining sections as required.
 - c) Inserting a new subsection under section 10 (2) “Fires” as follows:

“(2)(f) Fires can be banned at these facilities by the regional district posting fire closures or by a fire chief order.”
 - d) Replacing subsection (5) in section 15 “Parks Use Permit”, which reads:

“Issuance of a park use permit does not exempt the applicant from obtaining a regional district special event permit where required. The general manager of community services, the manager of parks and the parks planners of the regional district may issue a park use permit for special use if all of the following criteria are met:
(a) the special use conforms with the policies of the master plan for that park;

- (b) the location used is selected with a sensitivity to the park or trail resources and the experience of other park visitors;
- (c) the special use will not cause negative environmental impact;
- (d) a park use permit applicant has completed a park use permit application and the permit fee and damage deposit has been paid in advance in accordance with schedule "C";
- (e) the park use permit applicant has been notified that site cleanup costs, if applicable, are due no later than 30 days from the last date of special use on the park use permit and if payment is not received then the damage deposit will be forfeited;
- (f) proof of comprehensive general liability insurance is provided in accordance with schedule "D"; and
- (g) a release and indemnification form is signed by the park use permit applicant in accordance with schedule "D".

with the following subsection (5), which reads:

"The general manager of community services, the manager of parks and the parks planners of the regional district may issue a park use permit for special use if all of the following criteria are met:

- (a) the special use conforms with the policies of the master plan for that park;
- (b) the location used is selected with a sensitivity to the park or trail resources and the experience of other park visitors;
- (c) the special use will not cause negative environmental impact;
- (d) a park use permit applicant has completed a park use permit application and the permit fee and damage deposit has been paid in advance in accordance with schedule "C";
- (e) the park use permit applicant has been notified that site cleanup costs, if applicable, are due no later than 30 days from the last date of special use on the park use permit and if payment is not received then the damage deposit will be forfeited;
- (f) proof of comprehensive general liability insurance is provided in accordance with schedule "D"; and
- (g) a release and indemnification form is signed by the park use permit applicant in accordance with schedule "D".

- e) Inserting a new subsection under section 15 "Park Use Permit" as follows:

"15(7) The general manager of community services or the manager of parks of the regional district may waive or reduce the refundable damage deposit requirement where the activity being permitted in the park is unlikely to cause any damage to park facilities."

- f) Replacing subsection (1) in section 18 "Vehicle control", which reads:

"The regulations relating to vehicle control are as follows:

- (a) no person shall operate a vehicle or cycle below the natural boundary or high tide mark in a park, off the designated road ways, or in such a manner as to disturb the natural features of a park;
- (b) no person shall ride any cycle in a park or on a trail except on public roads or

trails designated for such use except authorized personnel patrolling on a cycle in a park or on a trail;

- (c) no person shall operate or cause to be operated a motorcycle, dirt bike or other motorized vehicle, other than a wheelchair, on or along a park trail except authorized personnel engaged in the development or maintenance of the park;
- (d) no person shall park or station any vehicle on any public right-of-way in a park in such a manner as to impede proper use of the road or in such a place or manner as to damage vegetation or landform, or to restrict or inhibit public recreational use of a park; and
- (e) no person shall park or leave a vehicle in a closed park or parking area."

With the following subsection (1), which reads:

"The regulations relating to vehicle control are as follows:

- (a) no person shall operate a vehicle, ebike or cycle below the natural boundary or high tide mark in a park, off the designated road ways, or in such a manner as to disturb the natural features of a park;
 - (b) no person shall ride any cycle or ebike in a park or on a trail except on public roads or trails designated for such use except authorized personnel patrolling on a cycle or ebike in a park or on a trail;
 - (c) no person shall operate or cause to be operated a motorcycle, dirt bike or other motorized vehicle, other than a wheelchair or ebike, on or along a park trail except authorized personnel engaged in the development or maintenance of the park; and
 - (d) no person under the age of 16 years shall operate an ebike in a regional district park."
- g) Adding the following parks and greenways to schedule "A" (Comox Valley Regional District Parks):
 - Electoral Area 'A' – Hornby Roadside Trail
 - Electoral Area 'C' – Tsolum River Commons
 - Electoral Area 'C' – Saratoga Beach Access
 - Electoral Area 'C' – Piercy Bridge Greenway
 - h) Adding to schedule 'B' (Comox Valley Regional District Animal Control Measures) the following new parks and greenways designated for horses:
 - Electoral Area 'A' – Hornby Roadside Trail
 - Electoral Area 'C' – Piercy Bridge Greenway
 - i) Adding to schedule "F" the park maps for the following parks and greenways:
 - Electoral Area 'A' – Hornby Roadside Trail
 - Electoral Area 'C' – Tsolum River Commons
 - Electoral Area 'C' – Saratoga Beach Access
 - Electoral Area 'C' – Piercy Bridge Greenway
 as attached to this bylaw as schedule 'A'.
 - j) Replacing in schedule 'F' the park maps for following parks and greenways:
 - Electoral Area 'A' – Denman Cross Island Trail
 - Electoral Area 'C' – One Spot Trail – Tsolum North
 as attached to this bylaw as schedule 'B'.

Citation

This Bylaw No. 516 may be cited as "Electoral Areas Parks Regulations Bylaw No. 103, 2010, Amendment No. 5".

Read a first and second time this **27th** **day of** **February** **2018.**

Read a third time this **27th** **day of** **February** **2018.**

Adopted this **day of** **2018.**

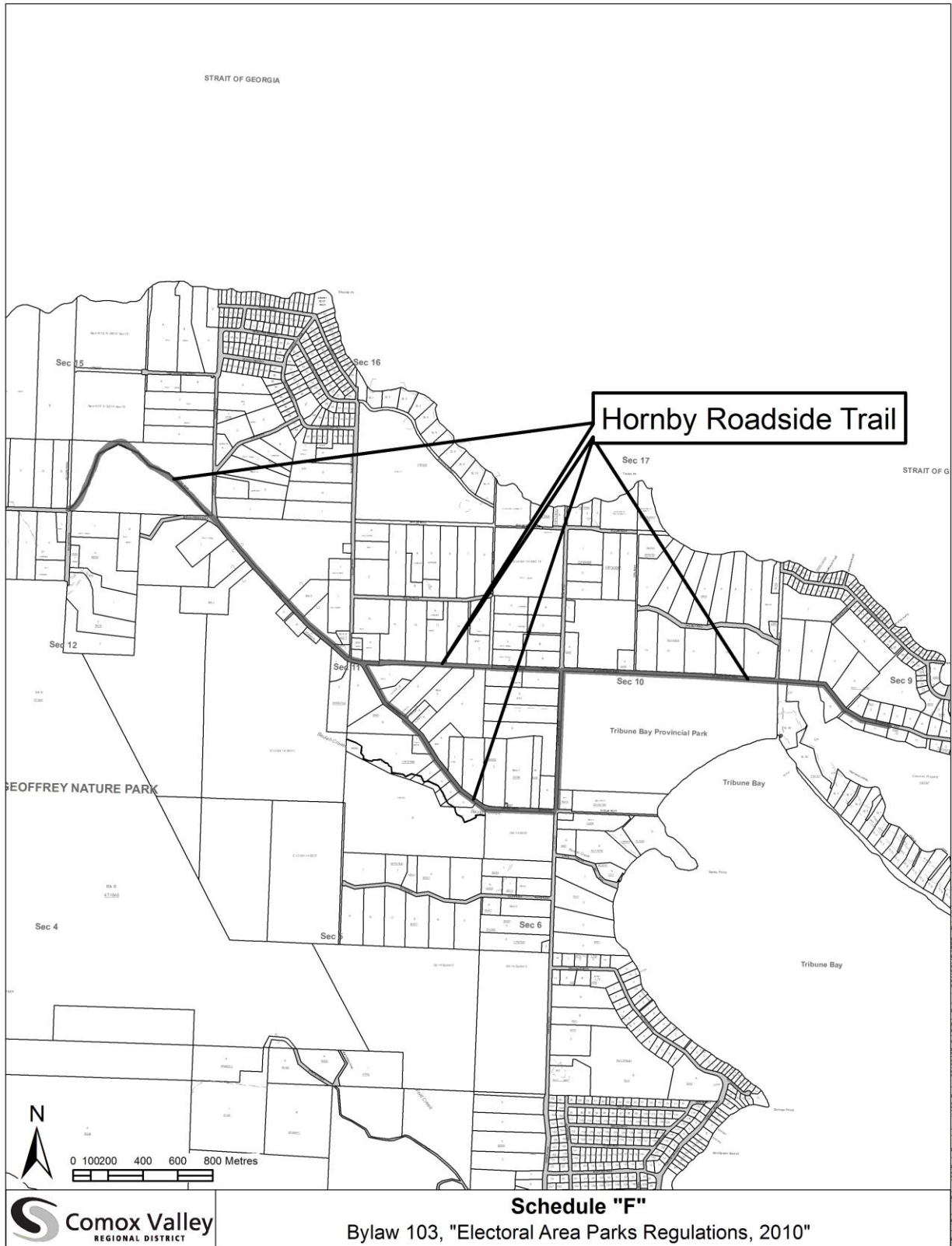
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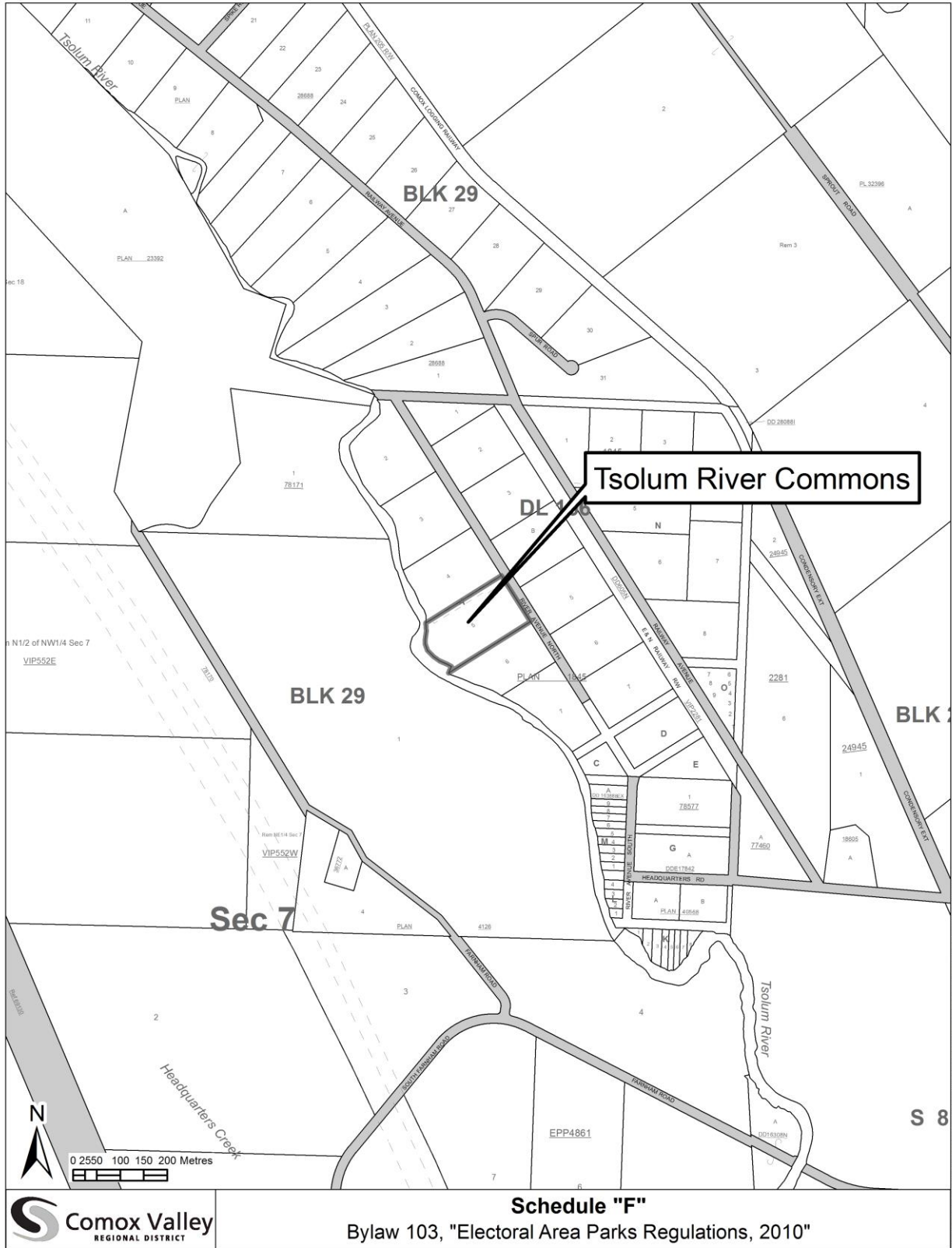
Corporate Legislative Officer

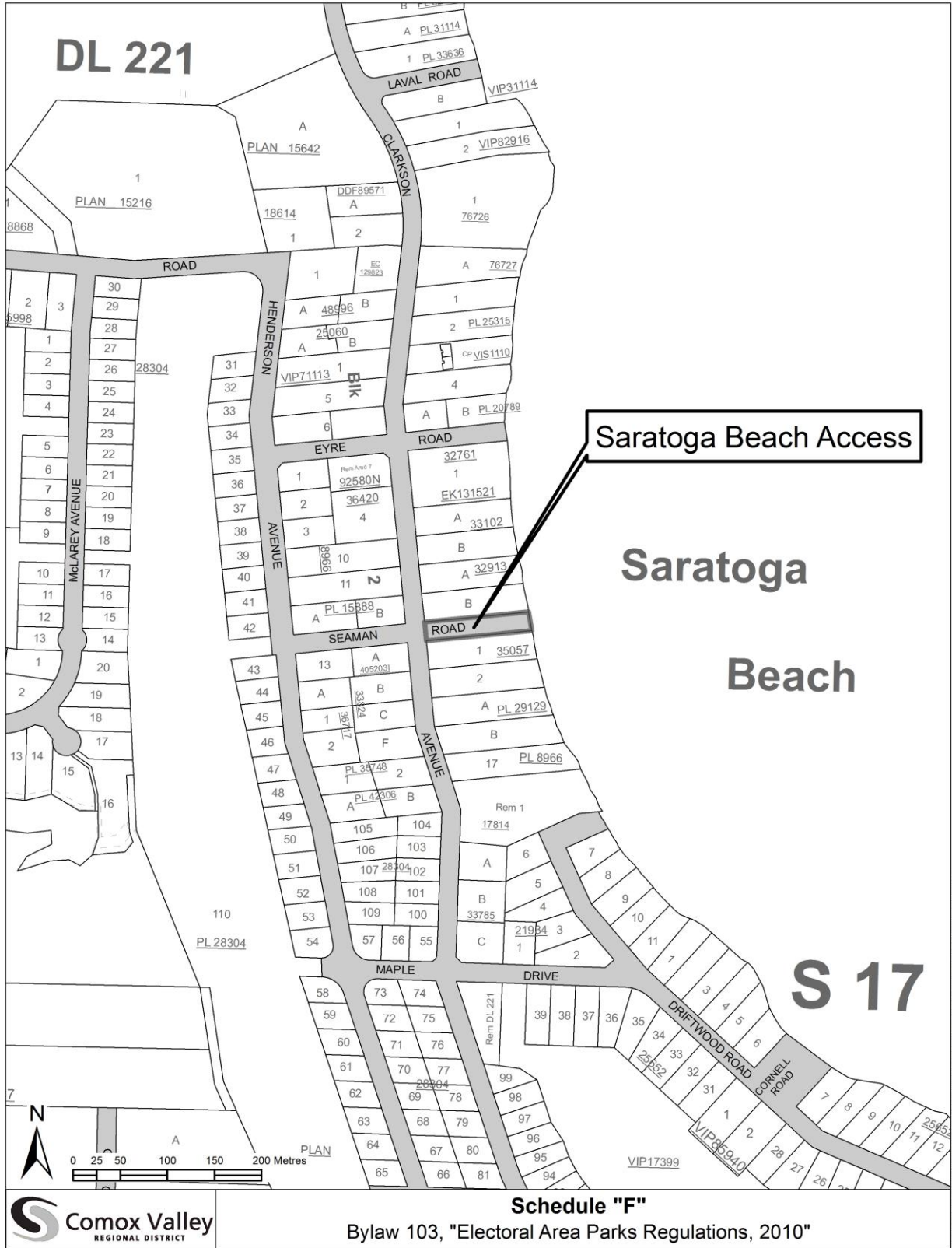
I hereby certify the foregoing to be a true and correct copy of Bylaw No. 516 being "Electoral Areas Parks Regulations Bylaw No. 103, 2010, Amendment No. 5" as adopted by the board of the Comox Valley Regional District on the day of , 2018.

Corporate Legislative Officer

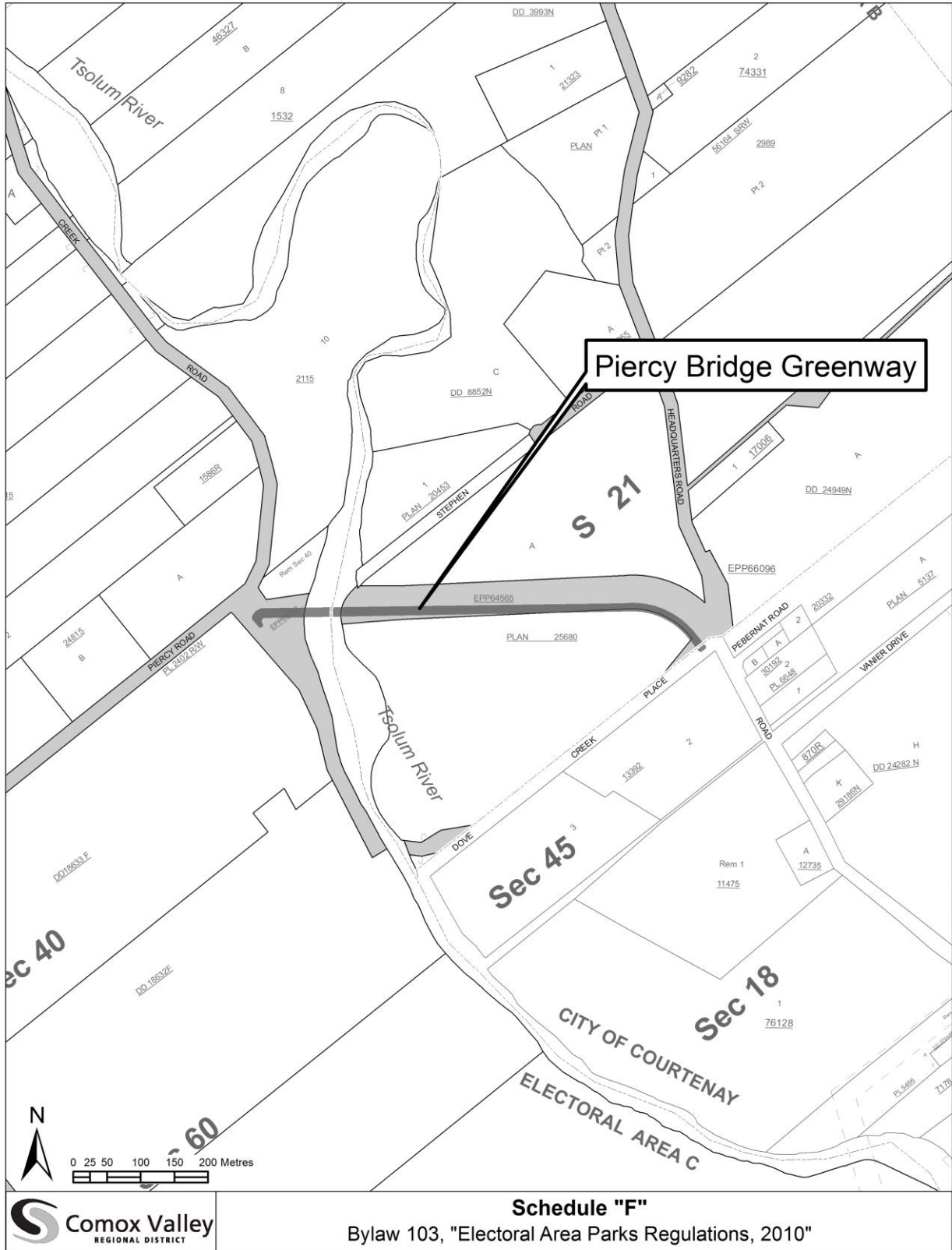
Schedule 'A' – new maps in Bylaw No. 103, schedule 'F'







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Schedule 'B' – maps for replacing in Bylaw No. 103, schedule 'F'

