

**DATE:** February 1, 2018

**FILE:** 6130-00

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

*R. Dyson*

**RE:** Proposed Amendments to the Electoral Areas Park  
Regulations and Municipal Ticketing Bylaw

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**Purpose**

To seek approval to name parks and greenways acquired during the past 18 months, to apply park rules to these parks and trail extensions, and to introduce park regulations for electric bikes as well as smoking and fire bans by amending “Electoral Areas Parks Regulations Bylaw No. 103, 2010”.

To seek approval to establish a fine for smoking in a park during a posted smoking ban and to increase fines for illegal fires, littering and damaging natural vegetation by amending “Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010”.

**Recommendations from the Chief Administrative Officer:**

1. THAT the recently constructed trail extending from Headquarters Road to Spike Road along the Comox Logging Grade/Condensory Extension authorized under Ministry of Transportation and Infrastructure permit #2017-02928 be included as part of the One Spot Trail.
2. THAT the recently constructed trail extending from Headquarters Road to Dove Creek Place along Piercy Road authorized under Ministry of Transportation and Infrastructure permit number 2017-02760 be added to Bylaw No. 103;

AND FURTHER THAT this trail be named Piercy Bridge Greenway.

3. THAT the recently constructed trail extending along East Road on Denman Island extending from Swan to Corrigal Road authorized under Ministry of Transportation and Infrastructure permit #2017-02363 be included as part of the Denman Cross Island Trail.
4. THAT the recently acquired Hornby Island trail extending along Lea Smith Road to St. John’s Point Park authorized under Ministry of Transportation and Infrastructure permit #2017-01980 be added Bylaw No. 103;

AND FURTHER THAT this trail be named Hornby Road Side Trail.

5. THAT the recently acquired Seaman Road beach access authorized under Ministry of Transportation and Infrastructure Licence of Occupation # 103279 be added Bylaw No. 103;

AND FURTHER THAT this access be named Saratoga Beach Access.

6. 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.
7. THAT Bylaw No. 104 being “Municipal Ticket Information Bylaw No. 104, 2010” be amended to update the fines provided in Schedule 5 and to add the fire chief position to the designated bylaw compliance officers listed in Schedule 1 for Electoral Areas Parks Regulation Bylaw No. 103, as outlined in the staff report dated February 1, 2018.

### Executive Summary

A number of updates are proposed for the parks and regulations bylaw as a result of a review in the context of increased fire ban and smoking ban frequency to protect neighbour and park assets. Ebikes are starting to increase in sales across Canada. Proposed changes to the regulations bylaw are to allow certain types of motor-assisted bikes on trails where cycles are currently permitted. Other routine changes to the bylaw are also being proposed including an increase to fines to discourage behaviour that is destructive to the environment or safety of park users.

- Smoking and fire ban changes – Public safety is a priority in managing parks. The bylaw is being updated to allow the Comox Valley Regional District (CVRD) to enforce fire bans and smoking bans during dry conditions. Last year parks patrols still found a number a people smoking during the no smoking ban in parks especially in parking lots and popular swimming holes. With adoption of this update this year those people who choose to increase the risk of fires by smoking in parks during dry conditions can be fined. Fire chiefs are also proposed to have ticketing authority.
- Fine increases are being proposed as a greater disincentive to those users who choose to ignore the bylaws for public safety and conservation values. Parks staff still primarily rely on a by-law education and awareness approach as the key tool when communicating with the public.
  - that municipal tickets for illegal fires in parks be increased from \$500 per offense to \$1,000
  - that a municipal tickets for smoking in a park during a ban be set at \$500
  - that municipal tickets for damaging natural vegetation and dumping garbage be increased from \$500 to \$1,000
- Ebikes are becoming more popular in the valley according to data on sales of Ebikes by the local bike shops whom report an increase in sales each year. By utilizing the motor assisted cycle regulation in BC and adding the additional tire size and weight requirements it ensures these bikes are safe for use on park trails where permitted.
- The former special use permit at the CVRD has been replaced with a special events bylaw.
- Recent acquisitions and additions be named and added to the “Electoral Areas Parks Regulations Bylaw No. 103, 2010” so that park regulations apply to the use of these trails and lands
- Changes to the permit procedure for damage deposits are also being proposed to allow greater discretion when by the parks manager to save on administrative time.

Prepared by:

Concurrence:

Concurrence:

**B. Allaert**

**D. DeMarzo**

**T. Ian Smith**

Brian Allaert  
Parks Technician

Doug DeMarzo  
Manager of Parks

T. Ian Smith, MCE  
General Manager of  
Community Services

**Stakeholder Distribution (Upon Agenda Publication)**

All fire chiefs in the CVRD region	✓
HIRRA	✓
Hornby Parks committee	✓
DIRA	✓
Denman trails committee	✓
Denman parks committee	✓

**Background/Current Situation**

*Naming new parks and greenway*

**North Courtenay Connector Greenway**

Significant geographic features:	Tsolum River, North Connector bridge, Dove Creek neighbourhood
Adjacent road names:	Piercy Rd, Dove Creek Rd, Headquarters Rd
Historic or First Nations values:	unknown
Name after a family or individual:	no requests have been made
Category:	greenway
Suggestions from residents	Piercy Bridge Trail
Names considered	Piercy Road Trail Piercy Bridge Trail Piercy Connector Trail Piercy Bridge Greenway  Dove Creek Connector Trail Dove Creek Greenway or Trail  North Connector Greenway  Tsolum Bridge Trail Tsolum Roadside Trail
Recommended	Piercy Bridge Greenway

In conjunction with the Ministry of Transportation and Infrastructure’s Courtenay north connector project a gravelled 600m long roadside path was created. This multi-use trail is in addition to the 1.5m paved shoulder and is separated from vehicular traffic by roadside barriers.

**Hornby Island Cross Island Trail**

Significant geographic features:	nothing in particular close to the road
Adjacent road names:	Central, St. John’s
Historic or First Nations values:	unknown

Name after a family or individual:	no requests have been made
Category:	greenway
Suggestions from residents	none
Names considered	Hornby Cross Island Trail Hornby Island Roadside Trails
Recommended	Hornby Island Roadside Trails

The CVRD has taken over this trail from the Hornby Trails Committee. The multi-use, gravel trail is 8.2 km in length.

**Seaman Road Beach Access**

Significant geographic features:	Saratoga Beach
Adjacent road names:	Seaman, Clarkson
Historic or First Nations values:	unknown
Name after a family or individual:	no requests have been made
Category:	Beach access
Suggestions from residents	none
Names considered	Seaman Road Beach Access Seaman Beach Access Saratoga Beach Access Saratoga Car Park Saratoga Beach Park
Recommended	Saratoga Beach Access

The Ministry of Transportation and Infrastructure granted the CVRD a five-year licence of occupation for the portion of Seaman Road. This area is to be improved for parking and feature good access to the beach, a toilet and possibly change rooms.

**Tsolum River Commons**

The board accepted the lease of 2.3 hectares (5.7 acres) on River Avenue North as parkland in 2016 agreeing to name the park Tsolum River Commons. The land includes 132 metres of river front with a small beach, 0.5 hectares (1.2 acres) of open meadow and 1.8 hectares (4.5 acres) of mixed deciduous and conifer forest with an understory of sword fern, dull Oregon grape and salal.

*Additions to Existing Parks and Greenways*

**One Spot Extensions**

The One Spot Trail map in bylaw 103 will be updated to reflect the extension completed in October 2017 that extended the trail an additional 2.5km from Headquarters Road north to Spike Road. Extension of the One Spot Trail is a strategic priority for the Community Services Branch.

**Denman Cross Island Trail Extension**

An additional one km of trail were completed in November 2017. This addition will be reflected in Bylaw No. 103 with a revised map.

*New Regulations*

**Temporary Smoking Ban and Fire Ban**

The summer of 2017 found forest fires to be a main topic of conversation throughout the province with some very serious fires evacuating many residents in the interior. Many parks organizations responded to the fire concern with park closures or increased restrictions. For example the CVRD implemented a lengthy fire ban and smoking ban in parks. Weather scientists predict an increasing trend in extreme weather patterns so parks organizations are responding to ensure public safety and minimize the chance of fires originating from parks.

Two common mechanisms to reduce the risk of fires are implementing a fire ban and smoking ban in parks. In the past this has been a voluntarily implementation since the parks regulation bylaw did not address these types of bans. The purpose of the changes to the parks bylaw is grant authority for implementing a fire and smoking ban in parks. Bylaw 104 the municipal ticketing bylaw is also proposed to be updated to allow fire chiefs the authority to ticket for the Parks and Regulations bylaw.

**Recognizing the Popularity of Electric Bikes and their Increasing Use on Park Trails**

Ebikes are becoming increasingly popular in the Comox Valley according to sale data provided by some cycle shops in town. Some of these motor assisted cycles, defined as Ebike by the proposed changes to the parks regulation bylaw, could be being used on trails.

After reviewing the Ebikes and some policies implemented by other parks jurisdictions it was necessary to address the non-motorized use of some park trails to consider permitting Ebikes. The motor assisted cycle regulation BC Reg 151, 2002 defined the type of motor assisted cycles that could be permitted on trails. However, further research/experience led to concerns about collisions and user control on gravel surfaces so additional stipulations were added for a minimum wheel size (600mm) and maximum weight (40kg). The weight and wheel size limitations are similar to a bylaw in Toronto that also needed to address the use of EBikes after researching the subject. A motor assisted cycle that meets the CVRD requirements for an Ebike is commonly available in most local bike shops. The bylaw changes are meant to anticipate and support this shift in recreation to allow people to continue to enjoy our trails.

**Waiving Damage Deposits in Some Circumstances**

Park regulations require damage deposits on park use permits. There is an exemption for non-profit sponsored events of 100 people or less. Meanwhile, small group bike tours or kayak lessons by commercial operators must provide a damage deposit. In most cases these operators run events in the parks year after year with no damage or incidents. CVRD staff spend time collecting, tracking and carrying forward damage deposits. For those commercial operators that take out a permit every year it is proposed that the general manager of community services or manager of parks be authorized to waive the need for a damage deposit where operator and the activity they are conducting in the park is unlikely to cause any damage to park facilities. Such a change will reduce some of the administrative costs related to processing the permits.

**Policy Analysis**

**“Naming of Regional District Public Facilities” Policy of March 2006**

According to the policy “parks, trails or other features may be named after a constant feature nearby or within the park. This should be ideally a geographical feature or adjacent street name.”

### **Extract from Policy**

The board shall choose a name for its park facilities on the basis of the following criteria:

1. Parks, trails or other features may be named after a “constant” feature nearby or within the park. This should be ideally a geographical feature or adjacent street name.
2. Where a park, trail or other feature is known to have heritage/cultural significance to First Nations, names reflecting these values shall should be included as possible candidates.
3. When it is desired to commemorate a historical event, a park, trail or other feature may be named for that event provided there is substantial acceptance in the community for that name.
4. Parks may be named after people (living or deceased) only when that person has donated the land for the park and when that person (or next of kin) specifically requests that the park be named after him or herself.
5. Trails or other features may be named after individuals (living or deceased), or service groups / community partners who have made substantial contributions to the community and where there is substantial acceptance in the community for that name.
6. Wherever possible, the name should include a reflection of the category or purpose of the park: i.e. nature, beach access, shoreline protection, community recreation, coastal recreation parks and greenway or trail.

### **Options**

1. Amend Bylaw Numbers 103 and 104 as proposed.
2. Amend bylaws as otherwise determined.
3. Table amendments to consider alternatives.
4. Do not make the park regulations applicable to some or all of these parks or greenways at this time.

Staff support option one.

### **Financial Factors**

The immediate financial implications include funding for signs to be made and installed so that the public is aware these areas are now parks and that they are aware of the rules. There may also be a minor amount of additional revenue collected through fines from smoking and fire bans.

### **Legal Factors**

Section 796.2 of the *Local Government Act* provides authority for a regional district to make regulations in relation to a service.

Park users that ignore requests from staff or park contractors to comply with the regulations could be fined under the regional district ticketing bylaw or by the provincial courts.

### **Regional Growth Strategy Implications**

The proposed bylaw amendments has no bearing on achieving the goals and objectives of the Regional Growth Strategy.

### **Intergovernmental Factors**

The names suggested for the new parks have not been discussed with any other agencies.

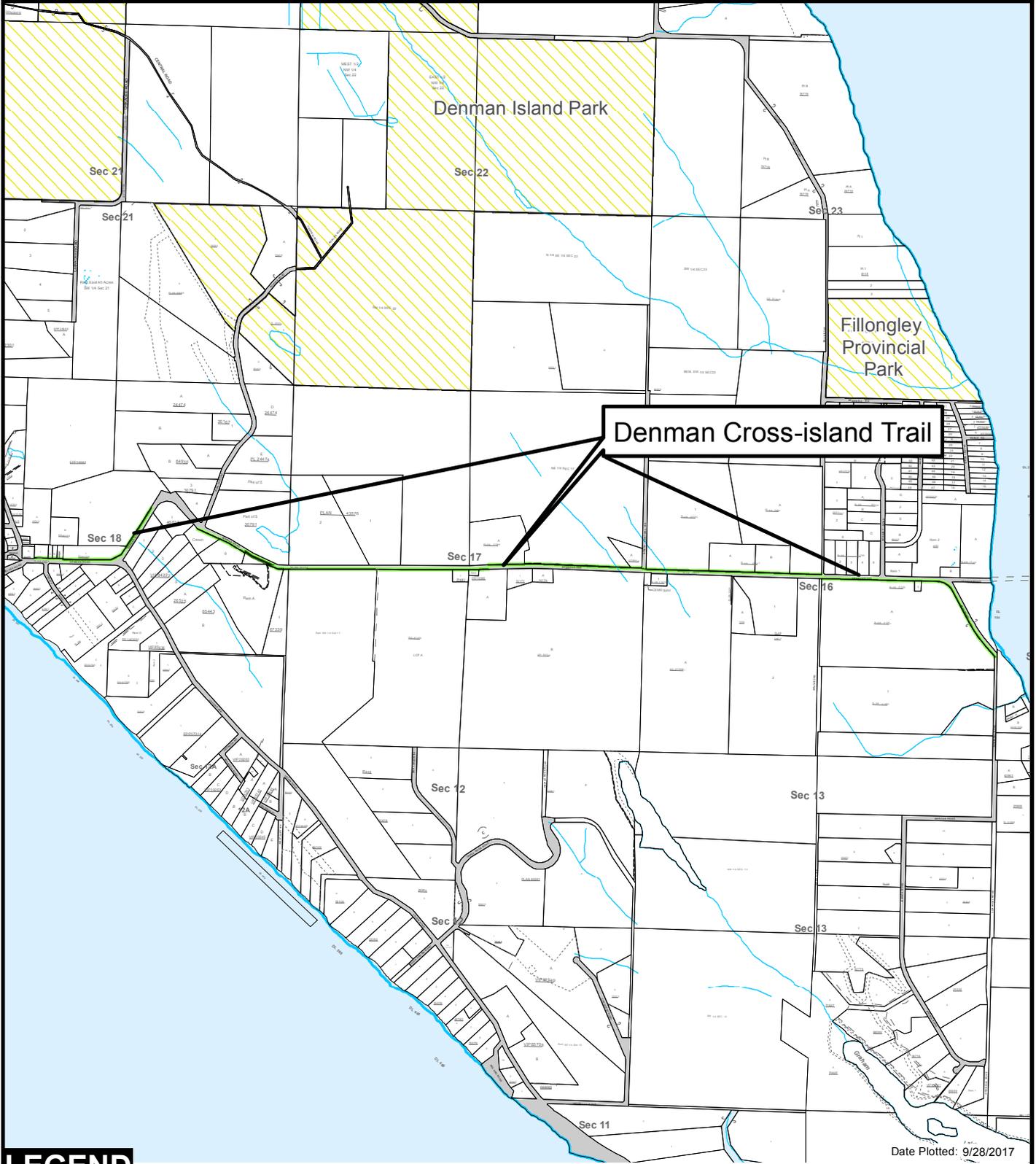
### **Interdepartmental Involvement**

The Corporate Services Branch will be involved in the implementation and administration of the recommendations of this report. Bylaw services reviewed the recommendations and suggested an increase in the proposed fines found in Appendix B.

### **Citizen/Public Relations**

The effectiveness of park regulations is monitored through patrols by both staff and contractors in the parks. The patrols focus on ensuring park users are aware of regulations and temporary bans and helping them to understand the reasons behind these rules. Park signage is the main communication tool in making park users aware of the regulations for park activities. Additional public outreach is also completed once a fire or smoking ban is established through social media and newspaper advertising.

Attachments: Appendix A – “Maps of each of the new park and extended greenways”  
Appendix B – “Current and proposed fines for park regulation offenses”  
Appendix C – “Current and proposed table for damage deposits”



**LEGEND**

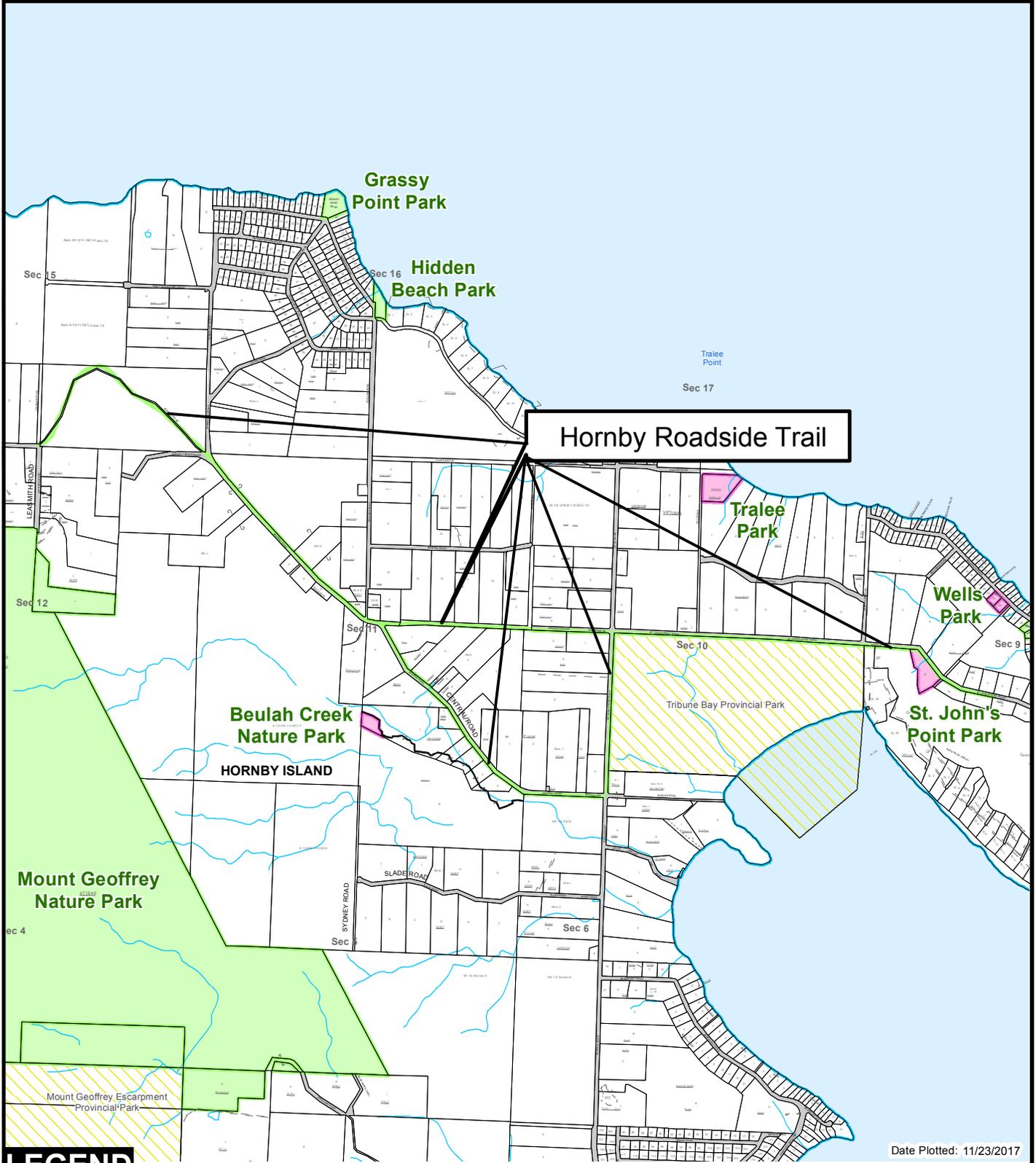
-  Active Regional Park
-  Inactive Regional Park
-  Provincial Park
-  Conservation Covenant
-  River/Stream/Creek
-  Wetland
-  Administrative Boundary

100 0 100 200 300 400 500 Metres



Date Plotted: 9/28/2017

This map was prepared by the CVRD for planning purposes only, and is not a legal document. This map is a composite of different data sets that were developed from different methods and dates. This map should be used with caution. The CVRD and its partners are not responsible for any damages resulting from any omissions, deletions or errors.



Date Plotted: 11/23/2017

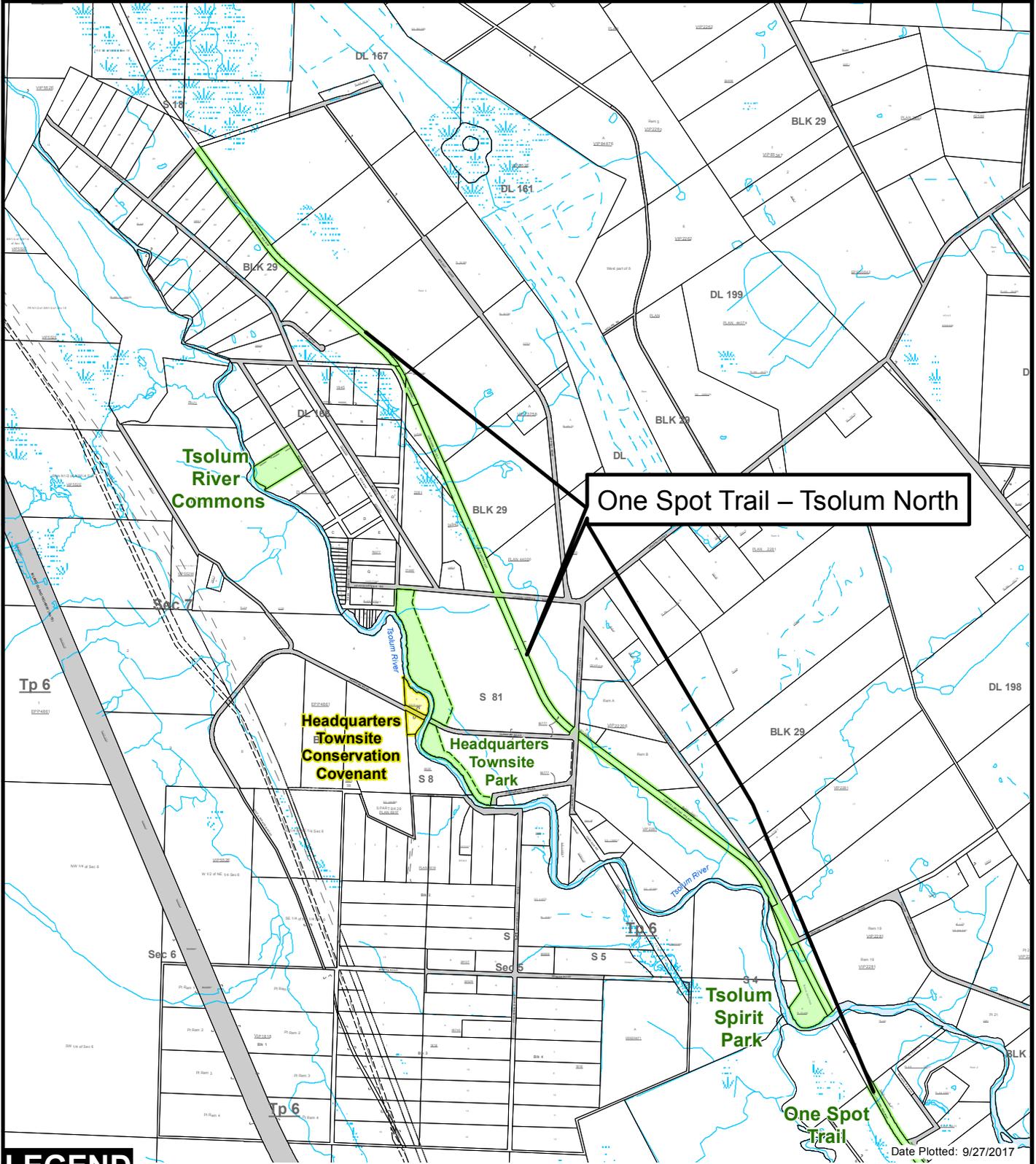
**LEGEND**

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200 0 200 400 600 800 Metres



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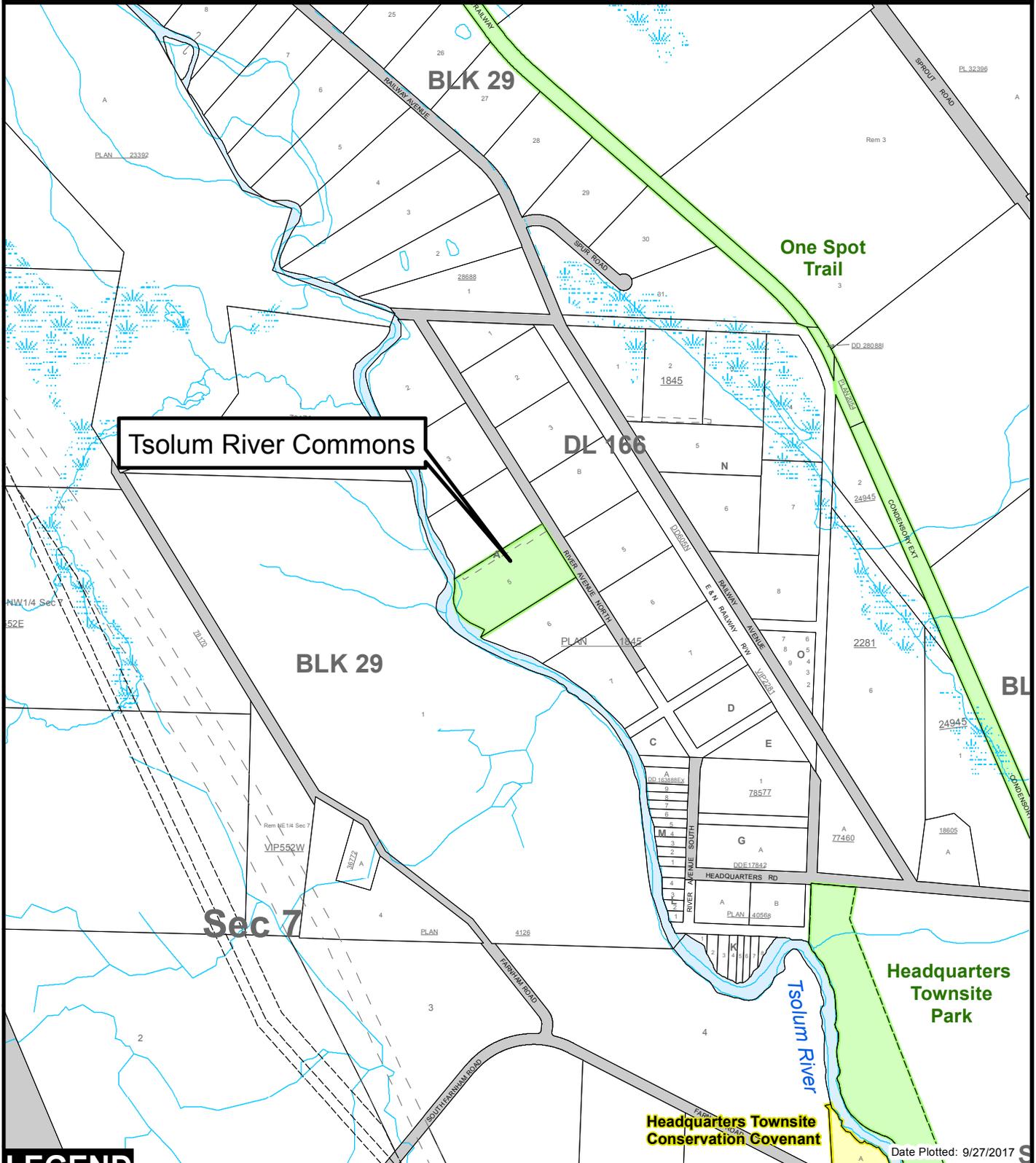
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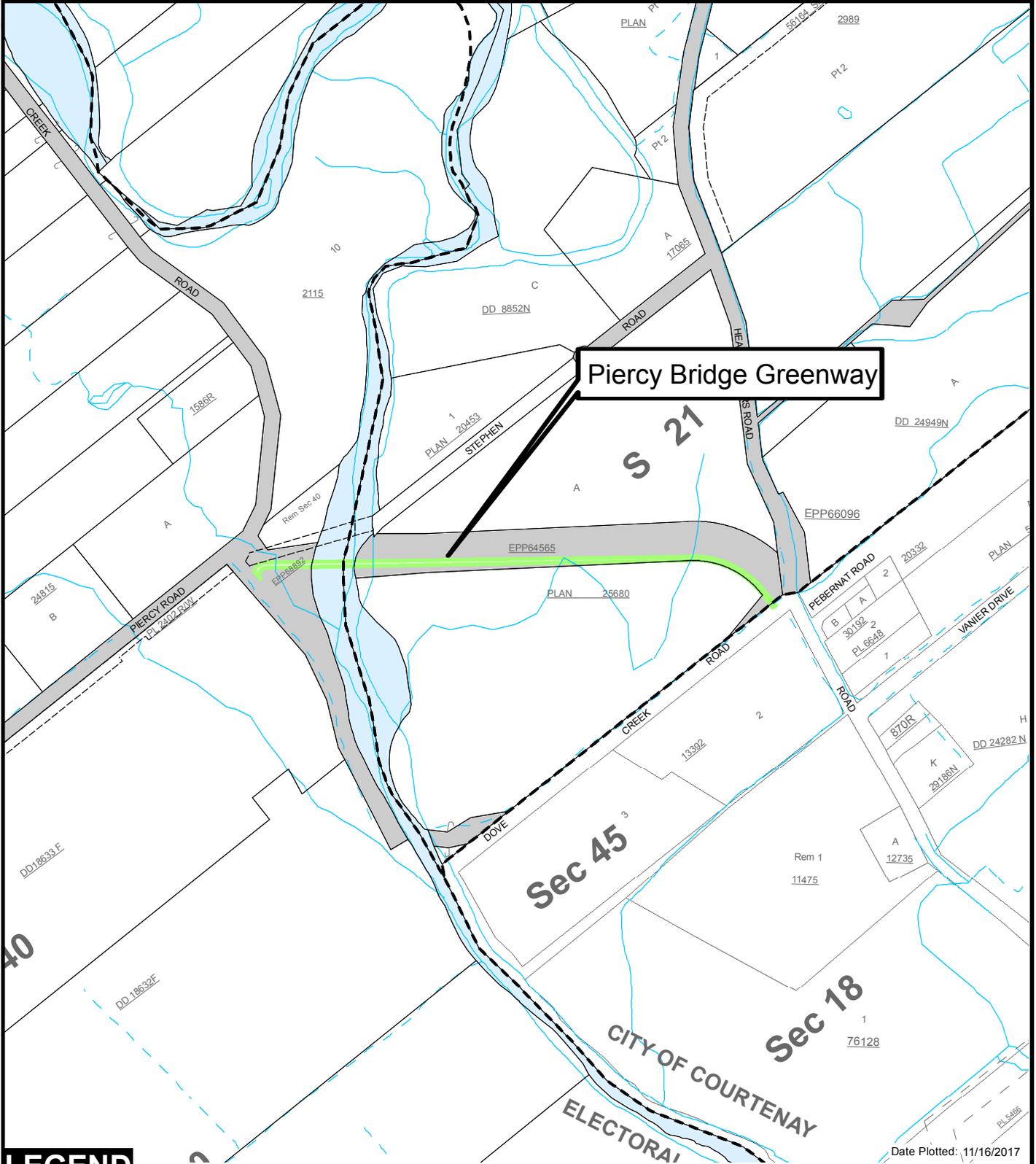
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Date Plotted: 9/27/2017

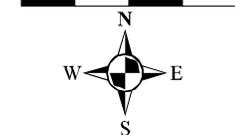


Date Plotted: 11/16/2017

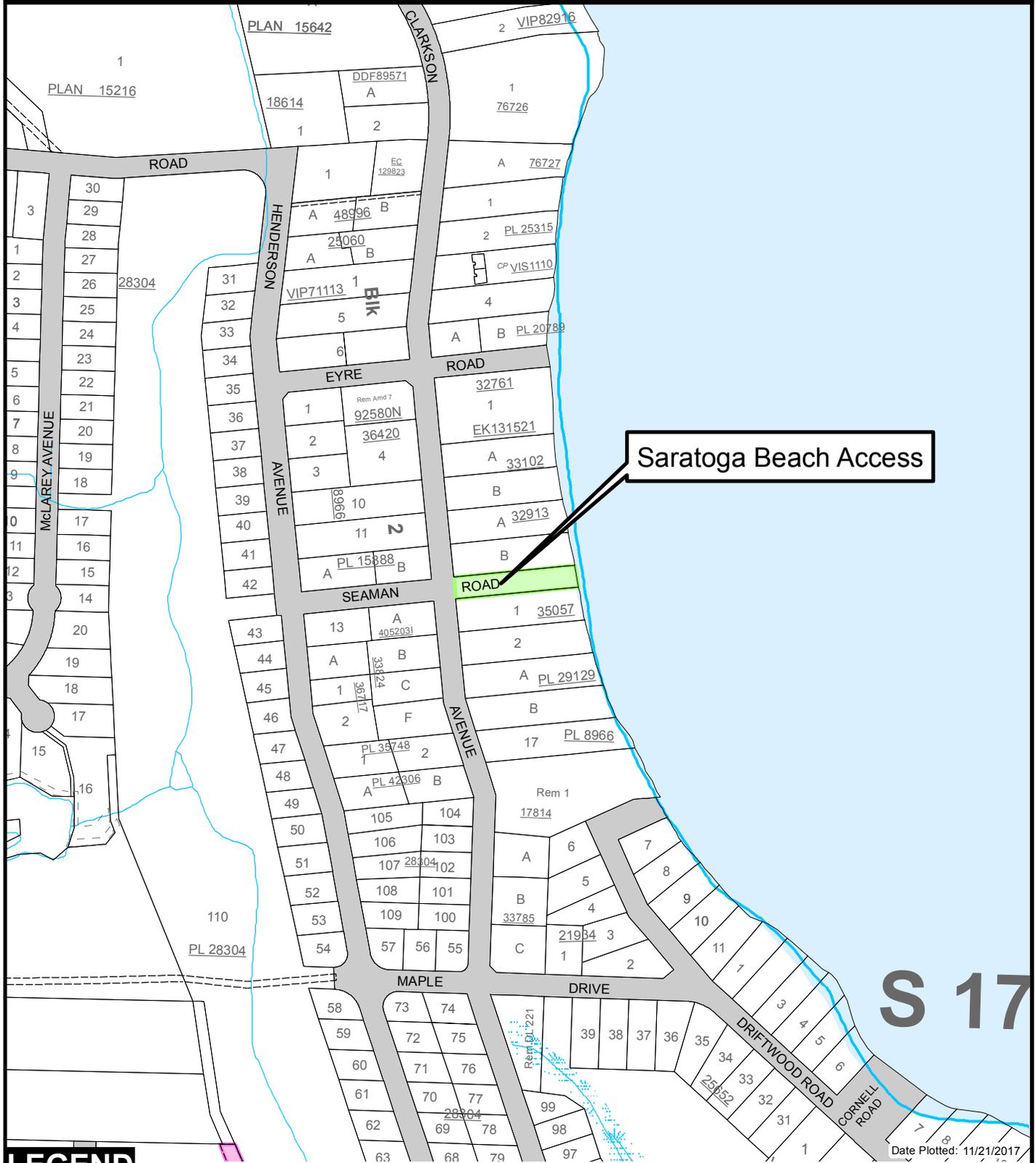
**LEGEND**

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50 0 50 100 150 Metres



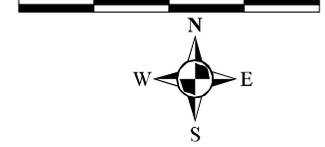
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0 50 100 150 Metres



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Date Plotted: 11/21/2017

**Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010  
Schedule 5**

**Bylaw No. 103 – ‘Electoral Areas Parks Regulations Bylaw No. 103, 2010’**

<b>Offence</b>	<b>Existing fines</b>	<b>Proposed fines</b>
Riding/leading riding animal in park except on multi use trails	\$100.00	\$100.00
Allowing any animal to run at large in a park	\$100.00	\$100.00
Failing to keep a dog under control in a park	\$100.00	\$100.00
Failing to restrain a dog on leash in a park	\$100.00	\$100.00
Camping overnight in a park without permission	\$100.00	\$100.00
Damaging natural material	\$100.00	\$100.00
Fire other than in a fire ring or receptacle provided	\$500.00	\$500.00
<b>Fire when prohibited in a park</b>	<b>\$500.00</b>	<b>\$1,000.00</b>
Burning unsuitable materials in a park	\$500.00	\$500.00
Hunting or discharging a firearm, bow or crossbow in a park	\$500.00	\$500.00
<b>Deposit, carry or transport any garbage, sewage or refuse into a park</b>	<b>\$100.00</b>	<b>\$1,000.00</b>
Conducting or carrying out special use without a permit	\$100.00	\$100.00
Operating a vehicle or cycle below the natural boundary	\$100.00	\$100.00
Riding cycle off designated trail	\$100.00	\$100.00
<b>Smoking when prohibited</b>	<b>\$0</b>	<b>\$500.00</b>
Operating motorcycle/dirt bike on a park trail	\$100.00	\$100.00

**Electoral Areas Parks Regulations Bylaw No. 103, 2010**  
**SCHEDULE C**

**Park Use Permit Fees** - A park use permit application must be completed. Proof of insurance must be submitted with application along with payment of the following fees:

<b>Special Use Category</b>	<b>Non-Refundable Permit Fee</b>	<b>Refundable Damage Deposit</b>	<b>Site Cleanup Costs *</b>	<b>Comprehensive General Liability Insurance</b>
1. Commercial filming, motion picture and television	\$250.00	\$1,000.00	Repair to facilities at Cost PLUS 10% administration charge	\$5,000,000
2. Commercial service or activity, other than 1.	\$100.00	\$100.00		\$2,000,000
3. Non-profit Society organization, activity or event	Fee exempt	Fee exempt		\$2,000,000
4. Local recreation commission activity or event	Fee exempt	Fee exempt		\$2,000,000
5. Activities of youth oriented groups, including but not restricted to, school groups, cubs, scouts, guides and other groups which cater to young people under the age of 18 and are under the supervision of a chaperone.	Fee exempt	Fee exempt		\$2,000,000
6. Notwithstanding the above, any special use where attendance is expected to exceed 100 persons	\$100.00	\$500.00		\$2,000,000

**\* Site clean up costs, if applicable, are due 30 days from the last date on the park use permit. If payment is not received then the damage deposit will be forfeited.**

Add the following clause to the bylaw in regard to the Refundable Damage Deposits

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.