

**DATE:** January 7, 2020

**FILE:** 6130-00

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

Supported by Russell Dyson  
Chief Administrative Officer

**FROM:** Russell Dyson  
Chief Administrative Officer

*R. Dyson*

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

---

### **Purpose**

To propose amendments the Electoral Areas Parks Regulations Bylaw No. 103, 2010 and the Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010 to provide updates concerning new parks and greenways, park and trail rules and to make minor adjustments to the park regulations.

### **Recommendations from the Chief Administrative Officer:**

1. THAT the recently constructed trail along the unopened Eagles Drive road allowance extending from Tasman Road down to the opened portion of Eagles Drive authorized under Ministry of Transportation and Infrastructure permit #2018-05977 be added to Bylaw No. 103;

AND FURTHER THAT this trail be named Eagles Greenway.

2. THAT the recently acquired Hornby Island boat ramp authorized under Provincial Licence of Occupation # 931917 be added to Bylaw No. 103;

AND FURTHER THAT this park be named Shingle Spit Boat Launch.

3. 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 January 7, 2020:
  - i. regulations related to motorized vehicles in parks;
  - ii. signature location on research permits;
  - iii. adding the identified new parks and greenways, maps, designations and other housekeeping revisions.

4. THAT Bylaw No. 104 being “Municipal Ticket Information Bylaw No. 104, 2010” be amended to update the fines Schedule 1 for Electoral Areas Parks Regulation Bylaw No. 103, as outlined in the staff report dated January 7, 2020.

### **Executive Summary**

Two updates are proposed for the parks and regulations bylaw addressing regulations related to motorized vehicles in parks and the signature location on research permits.

Also recent acquisitions and additions are being 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.

Prepared by:

***B. Allaert***

Brian Allaert  
 Parks Technician

Concurrence:

***M. Harrison***

Mark Harrison  
 Manager of Parks

Concurrence:

***D. DeMarzo***

Doug DeMarzo  
 General Manager of  
 Community Services

### Background/Current Situation

The following outlines proposed names for the new parks and greenways; revised regulations to Bylaw No. 103 proposed under this amendment; and proposed fine changes to Bylaw No. 104:

#### *Naming new parks and greenway*

#### **1. Eagles Greenway**

Significant geographic features:	Second growth forest; seasonal creek
Adjacent road names:	Eagles Drive, Tasman Road
Historic or First Nations values:	unknown
Name after a family or individual:	no requests have been made
Category:	recreational greenway
Suggestions from residents	none
Names considered	Eagles Drive Trail Eagles Connector Eagles Greenway
Recommended	Eagles Greenway

Under permit #2018-05977 from the Ministry of Transportation and Infrastructure (MOTT), park staff (including many hours by the park summer students) cleared and constructed this 1km trail which connects the Eagles Drive neighbourhood with the Tasman Road neighbourhood. The greenway also connects Sarah and Brian McLoughlin Park and Eagles Drive Park.

## 2. Shingle Spit Boat Launch

Significant geographic features:	Lambert Channel, Shingle Spit
Adjacent road names:	Shingle Spit
Historic or First Nations values:	unknown
Name after a family or individual:	no requests have been made
Category:	coastal recreation
Suggestions from residents	Hornby Island Boat Ramp Hornby Island Boat Launch Shingle Spit Boat Ramp Shingle Spit Boat Launch
Names considered	Hornby Island Boat Ramp Hornby Island Boat Launch Hornby Launch Lambert Channel Launch Shingle Spit Boat Ramp Shingle Spit Boat Launch
Recommended	Shingle Spit Boat Launch

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development granted the Comox Valley Regional District (CVRD) a 30-year licence of occupation (Licence #931917) for this existing community boat ramp in April 2018. A decision is expected early 2020 on an application for grant funding to improve the boat ramp.

### *Revised Regulations*

#### 1. Vehicle Control

Staff and RCMP have found it challenging to deal with vehicle use at Royston Cumberland Railway Trail. Photo 1 shows some of the damage vehicles have caused. Not only are vehicles, primarily trucks and jeeps, being driven on the trail but through parts of the adjacent forest and around closed off access points. Changes are recommended to tighten up and clearly specify where vehicles can and cannot be operated in parks. Motorized vehicles can only be used on roads, trails and parking areas designated for public use. Vehicles, motorcycles, dirt bikes, and other motorized vehicles are not permitted below the natural boundary of any waterbody; where natural features are disturbed; or along any trail closed to vehicles. Exemptions include park maintenance vehicles, private property owners accessing their land from a dedicated road allowance across a trail (i.e. Hornby Island Cross Island Trail), and farm or forestry vehicles and equipment where a trail provides access to resource operations as is the case with portions of the One Spot Trail.

See Appendix D for the proposed wording for controlling vehicle use in parks.

**Photo 1**



**2. Acknowledging Liability Waiver on Research Permits**

To ensure acknowledgement of the liability waiver on research permits by applicants the location of the applicant’s signature on the application form will be moved from the end of part II on page 16 to the end of page 17 under part III (See Appendix C).

*Related Changes to Schedule 5 of Bylaw No 104 (Ticket Amounts for Not Following Rules in Bylaw No. 103)*

Revise Schedule 5 to reflect the rewording of vehicle control regulations, increase fine amounts for three infractions and update definitions in Column A (see Appendix D and E):

- Increase fines from \$100 to \$1,000 for tree cutting
- Increase fine from \$100 to \$500 for operating a vehicle in such a manner, as to damage natural features, park facilities or improvements
- Increase fine from \$100 to \$1,000 for operating a motorized vehicle on a trail, in a closed park or closed parking area, below the natural boundary or high tide mark.

**Policy Analysis**

Section 266.1 of the *Local Government Act* and sections 264 and 265 of the *Community Charter* authorize the CVRD to enact a bylaw to allow the use of ticketing for bylaw enforcement offences.

The Bylaw Enforcement Policy identifies roles, responsibilities, enforcement authority and methods, and the related policies and operational guidelines to enforce the regional district bylaws.

In regards to the naming of new parks and greenways, the following policies apply:

1. “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.” The naming policy can be found in Appendix B.

**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.

**Legal Factors**

Section 796 (2) of the *Local Government Act* provides authority for a regional district to make regulations in relation to a service.

The changes around vehicle use in parks should assist with enforcement of park rules.

**Regional Growth Strategy Implications**

Not relevant.

**Intergovernmental Factors**

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

The changes to the rules for vehicles in parks is in part a result of working with the RCMP to deal with on-going problems on the Royston to Cumberland Railway Trail.

**Interdepartmental Involvement**

The Corporate Services Branch will be involved in the implementation and administration of the recommendations of this report. Bylaw services have reviewed the recommendations and support the changes to the two bylaws.

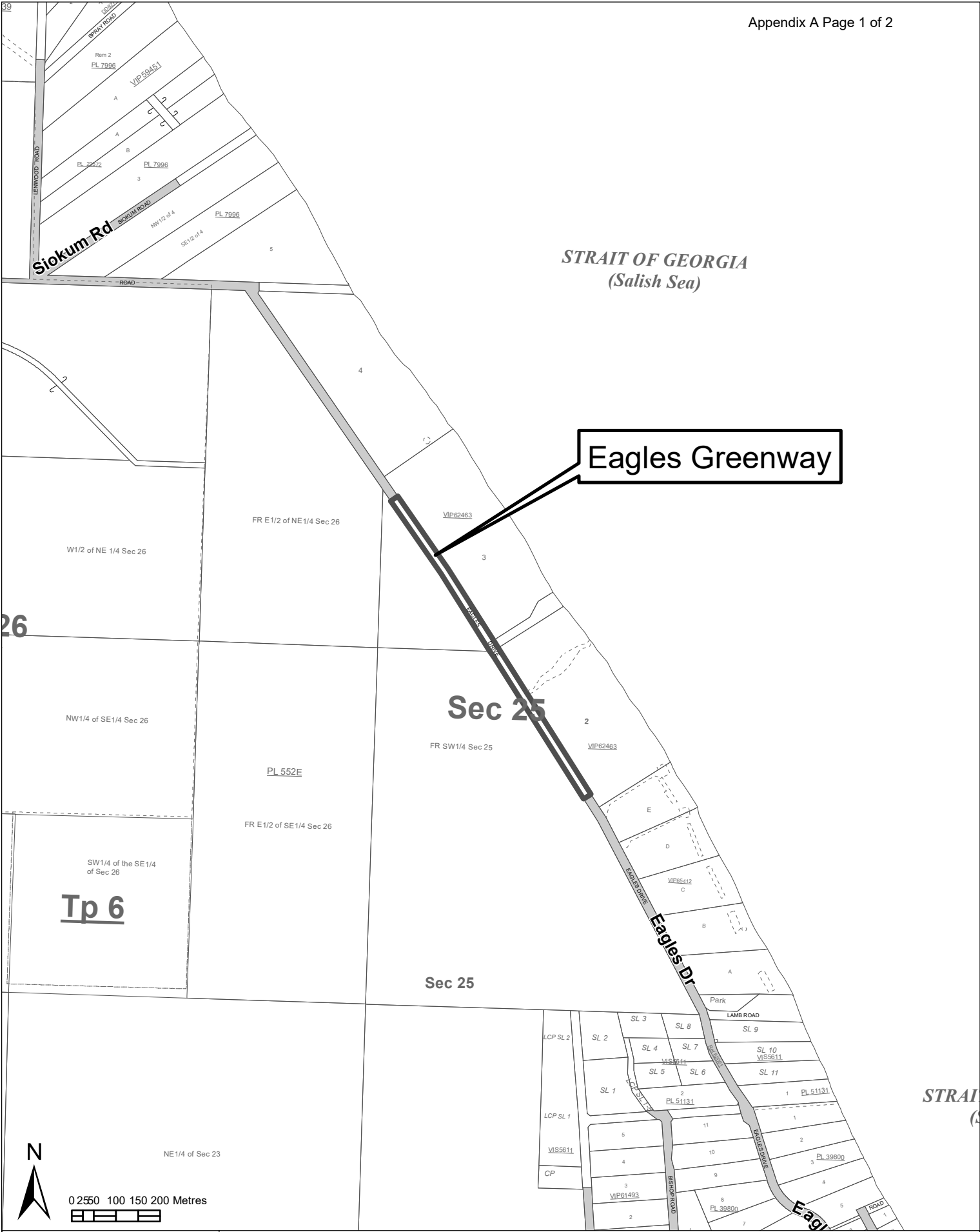
**Citizen/Public Relations**

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 done through patrols by bylaw staff, commissionaires, animal control and the RCMP.

Attachments: Appendix A – “Maps of each of the new park and extended greenways”  
Appendix B – “Naming of public facilities policy”  
Appendix C – “Changes to Research Permit Application”

Appendix D – “Changes to Vehicle Use in Parks”

Appendix E – “Changes to Ticket Fines: Bylaw 104”



Eagles Greenway

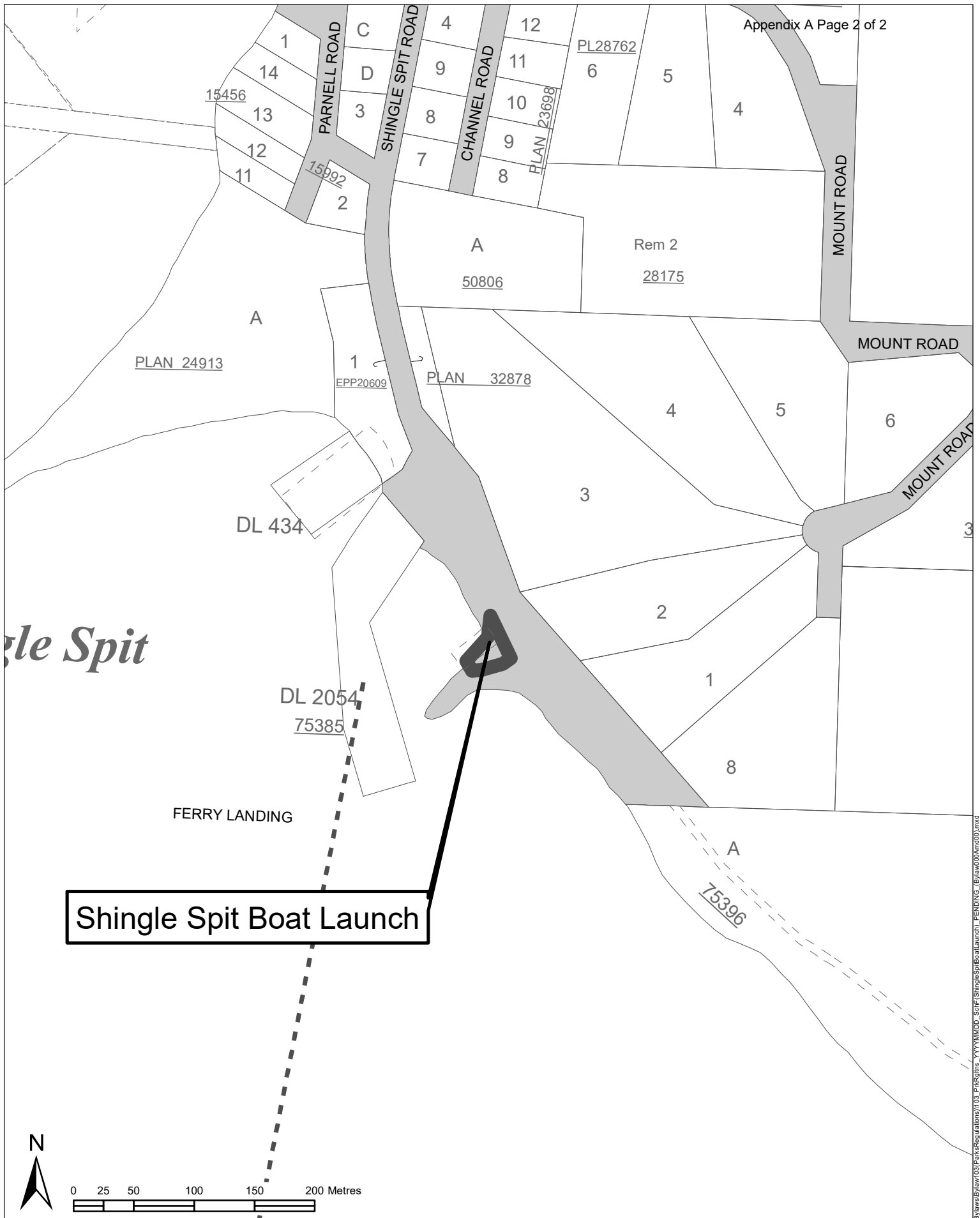
Sec 25

Sec 25

STRAIT

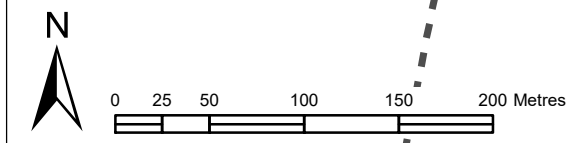


0 250 100 150 200 Metres



*Shingle Spit*

**Shingle Spit Boat Launch**





<b>Subject:</b> Naming of Regional District Public Facilities	
<b>Category:</b> Governance	<b>Policy Reference:</b> 7900-00

**Policy Statement:** To establish criteria and procedures for the naming of regional district public facilities. ‘Regional district public facilities’ is defined as any facility, consisting of buildings and/ or lands, owned and/ or leased, that is subject to the direction, control and management of the Comox Valley Regional District, and which are required to support the services and functions provided by the regional district.

### **Naming criteria for regional district public facilities**

1. (a) It is the policy of the board to choose a name for its park facilities on the basis of the following criteria when naming parks and honouring citizens in parks:
  - (i) 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;
  - (ii) Where a park, trail or other feature is know to have heritage and/ or cultural significance to First Nations, names reflecting these values shall be included as possible candidates;
  - (iii) 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;
  - (iv) 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 himself or herself;
  - (v) Trails or other features may be named after individuals, living or deceased, service groups or community partners who have made substantial contributions to the community and where there is substantial acceptance in the community for that name;
  - (vi) That a preference be given to honouring individual citizens through the gift and acknowledgement of a needed facility in the park of choice;
  - (vii) 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;
  - (viii) Notwithstanding the above, exceptions to these criteria may be made, with the approval of the regional district board.
- (b) It is the policy of the regional district board to choose a name for its facilities, other than parks, on the basis of the facility’s relationship to the following criteria:
  - (i) A facility may be named after a neighbourhood, geographic, or natural feature in close proximity to the facility;
  - (ii) A facility may be named after an event of historical or cultural significance;
  - (iii) A facility may be named after the articulated preference of the residents in the community served by the public facility;

- (iv) Foremost consideration shall be given to the inclusion of region in the name chosen for a facility in order to reflect the regional district's jurisdiction in the property and/ or facility and its associated service, however it is recognized that in certain cases, inclusion of other descriptors such as "community" may be a more accurate term to use in describing the scale of the facility and/ or the extent of those benefiting from the service of facility;
- (v) Wherever possible naming and/ or signage for the facility shall give clear recognition to its function and any government or community partners if applicable;
- (vi) Naming of interior features of a public facility may be named separately from the main facility;
- (vii) Notwithstanding the above, exceptions to these criteria may be made, with the approval of the regional district board.

### **Name selection procedure**

- 2. (a) All suggestions, whether solicited, or independently offered, shall be reviewed by staff in light of their compliance with the naming policy criteria as above and assessed in light of the following standards:
  - (i) The name should not confuse the public about location or function of the designated building or facility, but rather should enhance a visitor's ability to identify, locate and use it;
  - (ii) Names shall be reviewed with respect to their consistency and potential for duplication;
  - (iii) Should the naming of a facility include reference to a geographical location, historical event or cultural significance, approval and confirmation of the proposed name (spelling and usage) shall be sought from provincial and federal agencies and First Nations where required;
  - (iv) Proposed names shall be assessed in light of the following:
    - (a) memorability (can residents recall the new facility name after seeing it just once);
    - (b) latent association (what negative and positive associations does the name connote, what is its acronym, what potential for being abbreviated or having a nickname);
    - (c) pronounce-ability (if the name cannot be pronounced how will the public ask for it);
    - (d) emotional connection (does the name emotionally connect with the community that will utilize the named facility).
- (b) Report, which outlines the proposed name candidates, their origin, rationale for selection, and adherence with policy, shall be presented to the appropriate committee of the regional district board for consideration. Wherever possible, this report shall also include details on the proposed signage for the facility (proposed design including wording and logo(s) to be included) and suggested actions to be taken in promoting recognition of the facility with the public it is intended to serve; and
- (c) The name selected for the facility shall be formally recognized through regional district board resolution.

**Renaming of facilities**

3. A name selected for a public facility should be bestowed with the intention that it will be permanent and changes should not be readily entertained. If a name change is deemed by the regional district board to be warranted, the renaming shall be subject to the criteria and procedures of this policy.

**Approval History**

Policy adopted:	March 27, 2006
Policy amended:	

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



**Research Permit Application Form**

Application must be received fourteen days prior to the date the research will begin. Applicants must be 19 years of age or older. The applicant must agree to conditions specified in the research permit and sign a waiver of liability.

**PART I: (TO BE COMPLETED BY APPLICANT)**

**Date:** \_\_\_\_\_

**Applicant(s):** \_\_\_\_\_

**Company/Organization Name:** *(if applicable)* \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Time Period of Permit** *(day/month/year):* \_\_\_\_\_

**Approximate Date(s) of Visit:** \_\_\_\_\_

**Park:** \_\_\_\_\_ **Specific Location:** \_\_\_\_\_

**Park:** \_\_\_\_\_ **Specific Location:** \_\_\_\_\_

**Park:** \_\_\_\_\_ **Specific Location:** \_\_\_\_\_

**Number of Researchers Involved:** \_\_\_\_\_

**Research Project Title:** \_\_\_\_\_

**Purpose of Research Project:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Research Project Description:** \_\_\_\_\_

---

---

---

---

---

**Research Methodology:** \_\_\_\_\_

---

---

---

---

---

---

---

---

- After hours access required?
- Does research involve species at risk?
- Does the research involve in-stream work?
- Provincial and/or Federal Permit Required? *(please attach copy)*

**Potential impact on park vegetation and/or wildlife (describe):** \_\_\_\_\_

---

---

---

Date Received:		Received by:		File No.:	
----------------	--	--------------	--	-----------	--

## Research Permit Conditions

1. A report summarizing the research and its findings will be submitted to CVRD Community Services.
2. Researchers must comply with all CVRD park rules and bylaws as well as provincial and federal acts and regulations.
3. No vegetation or wildlife will be removed from the park, unless specified under special conditions.
4. Trapping is not permitted, unless specified under special conditions.
5. Research must be conducted during park hours, unless specified under special conditions.
6. All flagging tape or markings must be inconspicuous, kept to a minimum and removed when the research is complete.
7. Researchers should wear a high-visibility vest while conducting research in the park
8. Researchers will carry a signed copy of the research permit which may be inspected by CVRD staff and the public at any time.
9. Researchers will respond to inquiries from park visitors in a friendly and courteous manner.
10. If required, researchers will post a sign when in the park with the title of the research project and contact information.

Special Conditions: (To be completed by CVRD community services staff)

1. WorkSafe BC coverage and/or general liability insurance.

**PART III: WAIVER OF LIABILITY**

In consideration of being permitted to use certain lands and premises owned or under the control of the Comox Valley Regional District (CVRD) known as \_\_\_\_\_

\_\_\_\_\_ Park(s) (the Premises) and other good and valuable consideration the undersigned agrees: To indemnify and save harmless the CVRD, its officers, agents and employees from and against all claims, demands, losses, costs, damages, actions, suits or proceedings by whomever made, brought of prosecuted and in any manner based upon, arising out, related to, occasioned by or attributable in any way to the activities and use of the Premises by the undersigned, its servants, agents, employees or contractors, excepting always liability arising solely out of the negligent act or omission of the CVRD.

I, \_\_\_\_\_, being the duly designated representative, hereby indicate that I have read and understand the terms of this Research Permit and the Waiver of Liability as it appears above.

I agree to the above terms and conditions described above and will provide CVRD with a written report summarizing the findings of this research project on or before:

\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**PART IV – CVRD APPROVAL**

Approved by \_\_\_\_\_ (name)

\_\_\_\_\_ (position)

Permit issued on \_\_\_\_\_ (date)

Permit Expires on \_\_\_\_\_ (date)

Signed \_\_\_\_\_

CVRD Community Services  
600 Comox Road, Courtenay, B.C. V9N 3P6

Telephone: 250-334-6000

Fax: 250-334-4358

## Appendix D – Changes to Vehicles in Parks

### Proposed

#### Vehicle Use and Parking

19. (1) No person shall in a regional district park drive, propel, park or otherwise operate a motor vehicle, motorcycle, dirt bike, all-terrain vehicle or other motorized vehicle:
  - (a) on a trail with the exception of a wheelchair or mobility device;
  - (b) in a closed park or closed parking area;
  - (c) below the natural boundary or high tide mark;
  - (d) in such a manner that damages natural features, park facilities or improvements;
  - (e) in such a manner as to impede intended use of the park.
- (2) No person shall in a regional district park ride an ebike or cycle:
  - (a) in a closed park or closed parking area;
  - (b) below the natural boundary or high tide mark;
  - (c) on trails that are not designated for such use;
  - (d) in such a manner as to damages natural features, park facilities or improvements.
- (3) No person under the age of 16 years shall operate an ebike in a regional district park.
- (4) Any motor vehicle parked in violation of this bylaw may be removed and impounded, and the owner of the motor vehicle shall pay the cost of removal and impoundment before the motor vehicle is returned to the said owner.
- (5) Motor vehicles, ebikes and cycles used by authorized personnel for parks maintenance, park patrols, security, or where the regional district has granted permission in writing shall be exempt from the above. In regional district parks where a public road allowance forms part of the trail system vehicle use is permitted by those with an access permit from the Ministry of Transportation and Infrastructure.

### Existing

#### Vehicle control

19. (1) 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;
  - (d) no person under the age of 16 years shall operate an ebike in a regional district park;
  - (e) 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; with the exception of vehicles used for parks maintenance, security, or pre-approved programming or permit; and
  - (f) no person shall park or leave a vehicle in a closed park or parking area with the exception of vehicles used for parks maintenance, security, or pre-approved programming or permit
- (2) Any motor vehicle parked in violation of this bylaw may be removed and impounded, and the owner of the motor vehicle shall pay the cost of removal and impoundment before the motor vehicle is returned to the said owner.



## Schedule 5

## Bylaw No. 103 – 'Electoral Areas Parks Regulations Bylaw No. 103, 2010'

Column A Offence	Column B Bylaw section no.	Column C Amount of fine
Smoking when prohibited	Section 7	\$500.00
Riding/leading riding animal in park except on multi use trails	Section 8(1)	\$100.00
Allowing any animal to run at large in a park	Section 8(2)	\$100.00
Failing to keep a dog under control in a park	Section 8(4)(a)	\$100.00
Failing to restrain a dog on leash in a park	Section 8(4)(b)	\$100.00
Camping overnight in a park without permission	Section 9	\$100.00
Damaging natural material	Section 10	<del>\$100.00</del> \$1,000.00
Fire other than in a fire ring or receptacle provided	Section 11(1)	\$500.00
Fire when prohibited in a park	Section 11(2)	\$1,000.00
Burning unsuitable materials in a park	Section 11(2)(b)	\$500.00
Hunting or discharging a firearm, bow or crossbow in a park	Section 12	\$500.00
Deposit, carry or transport any garbage, sewage or refuse into a park	Section 14	\$1,000.00
Conducting or carrying out special use without a permit	Section 16(1)	\$100.00
<b>Add</b> <u>Drive, propel, park or otherwise operate a motor vehicle, motorcycle, dirt bike, all-terrain vehicle or other motorized vehicle:</u>		
<u>On a trail</u>	<u>Section 19(1)(a)</u>	<del>\$1,000.00</del> <b>Was \$100</b>
<u>In a closed park or closed parking area</u>	<u>Section 19(1)(b)</u>	<del>\$1,000.00</del> <b>Was \$100</b>
<u>Below the natural boundary or high tide mark</u>	<u>Section 19(1)(c)</u>	<del>\$1,000.00</del> <b>Was \$100</b>
<u>In such a manner that damages natural features, park facilities or improvements</u>	<u>Section 19(1)(d)</u>	<del>\$500.00</del> <b>Was \$100</b>
<u>In such a manner as to impede intended use of the park</u>	<u>Section 19(1)(e)</u>	<del>\$100.00</del>

<u>Ride an ebike or cycle on a trail not designated for such use</u>	<u>Renumbered</u> <u>Section 19(2)(a)</u>	<u>\$100.00</u>
<u>Ride an ebike or cycle in a closed park or closed parking area</u>	<u>Renumbered</u> <u>Section 19(2)(b)</u>	<u>\$100.00</u>
<u>Ride an ebike or cycle below the natural boundary or high tide mark</u>	<u>Renumbered</u> <u>Section 19(2)(c)</u>	<u>\$100.00</u>
<u>Ride an ebike or cycle in such a manner that damages natural features, park facilities or improvements</u>	<u>Renumbered</u> <u>Section 19(2)(d)</u>	<u>\$100.00</u>
<u>Operating a vehicle or cycle below the natural boundary</u>	<u>Section 19(1)(a)</u>	<u>\$100.00</u>
<u>Riding cycle off designated trail</u>	<u>Section 19(1)(b)</u>	<u>\$100.00</u>
<u>Operating motorcycle/dirt bike on a park trail</u>	<u>Section 19(1)(c)</u>	<u>\$100.00</u>
<u>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</u>	<u>Section 19(1)(e)</u>	<u>\$100.00</u>
<u>Park or leave a vehicle in a closed park or parking area</u>	<u>Section 19(1)(f)</u>	<u>\$100.00</u>