REGIONAL DISTRICT OF NANAIMO

Park Use Regulations Bylaw No. 1801, 2019

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1801

A BYLAW TO PROVIDE FOR THE REGULATION OF PARK USE IN THE REGIONAL DISTRICT OF NANAIMO

WHEREAS by Supplementary Letters Patent dated October 19, 1972, amended September 21, 1979, the Regional District of Nanaimo was granted "Division XI – Park and Green Belt Acquisition" functions;

AND WHEREAS Bylaws No. 798 to 806 converted the community parks functions to a local service for each of Electoral Areas A, B, C, D, E, F, G and H respectively;

AND WHEREAS the Regional District of Nanaimo may, by bylaw, establish regulations, prohibitions and requirements with respect to the management, maintenance, improvement, operation and use, including establishing a system of licenses, permits and approvals with or without terms and conditions, with respect to regional and community parks, trails, facilities and other land the District holds for the purpose of parks; **[BL1801.01]**

AND WHEREAS the Board of the Regional District of Nanaimo is desirous of establishing such regulations, prohibitions and requirements;

NOW THEREFORE the Board, in open meeting assembled, enacts as follows:

PART I – INTERPRETATION

1 CITATION

This Bylaw may be cited as "Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019."

2 PURPOSE

The intent of this bylaw is to permit reasonable use of *parks* by the public for outdoor recreation and enjoyment while at the same time preserving and protecting *natural park features*.

3 APPLICATION AND EXEMPTIONS

(1) This bylaw is applicable to all *parks* currently held by the *District* and any subsequent acquisitions and, without limiting the definition of *parks* in Section 4, includes *parks* within Electoral Areas A, B, C, E, F, G and H of the Regional District of Nanaimo.

(2) This bylaw takes effect the date of its adoption.

(3) Notwithstanding anything contained in this bylaw,

(a) *District* employees are exempt from this bylaw while carrying out their duties or performing their functions;

(b) *District* contractors, agents and volunteers are exempt from this bylaw while carrying out their duties or performing their functions only when such exemption is provided for in their terms of engagement; and

(c) Where the *District* holds *park* under a lease, licence, permit, statutory right of way or private land access agreement, the person or agency granting the lease, licence, permit, statutory right of way or access agreement:

(i) is exempt from this bylaw, unless otherwise provided under the terms by which the *District* holds the land; and

(ii) may restrict or exclude access to the public to a trail, path, or other area of the *park* as the person or agency deems necessary or advisable in respect of their own interests, rights and responsibilities with respect to the land.

4 DEFINITIONS

In this bylaw:

"**active transportation corridor**" means a linear pathway alongside vehicular roadway or connecting vehicular roads and intended to facilitate and accommodate non-vehicular transit through an area;

"**aircraft**" means a device that is designated to carry one or more person or objects through the air by electric or fuel power or by powerless flight, or to move through the air remotely and without passengers, and includes drones but not model airplanes and other toys;

"**animal**" means any *animal* other than a human being;

"**authorized personnel**" means *District* employees and contractors including the park operators of *campgrounds*, *bylaw enforcement officers*, *peace officers* and emergency personnel;

"**board"** means the Regional District of Nanaimo Board of Directors;

"**bylaw enforcement officer**" means any person designated as such by the *District*;

"**camping**" means to take up temporary overnight abode in a *park* with or without *shelter*;

"**campground**" means the areas at Horne Lake Regional Park and Descanso Bay Regional Park which have been designated by the *District* for *camping*;

"**campsite**" means a designated and numbered space for *camping* in a *campground*;

"**conservation zone**" means the area of a *park* designated in a *management plan* for habitat and *wildlife* preservation and not to be developed for ordinary public use;

"**curfew hours**" means the time between 11 p.m. and 7 a.m. unless otherwise posted at a *park*;

"**cycle**" means a device having any number of wheels that is propelled by human power only and upon which one or more persons may ride and includes the bicycle buggies and trailers that may be attached to the *cycle*;

"**District**" means the Regional District of Nanaimo;

"**e-bike**" means a *cycle* with an electric motor not exceeding 500 watts which is not capable of speeds greater than 32 kilometres per hour on level ground or of operating with pedals removed, and which looks like a bicycle and not an *e-scooter*; **[BL1801.01, BL1802.02]**

"**e-cigarette**" means a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vaporizing an *e-substance* for inhalation or release into the air; **[BL1801.02]**

"**e-scooter**" means a device that meets all of the criteria for an electric kick scooter set out in section 3 of the Electric Kick Scooter Pilot Project Regulation under the *Motor Vehicle Act*, RSBC 1996, c. 318;

"**e-substance**" means a solid, liquid or gas that, on being heated, produces a vapour for use in an *e-cigarette*, regardless of whether the solid, liquid or gas contains nicotine; **[BL1801.02]**

"**facilities**" means anything other than *natural park features* such as toilets, *shelters*, garbage cans, showers, water pumps, stairs, boardwalks, bridges, structures, roads, trails, *traffic control*

devices, parking lots, congregate spaces, signs, walls, boat ramps, docks, culverts, kiosks, gates, fences, picnic tables, benches, *campgrounds*, ball fields, sports courts, skateparks, sportsfields, picnic *shelters*, storage buildings and safety equipment; **[BL1801.01]**

"**leash**" means a chain or other material not exceeding 2.4 metres in length or a retractable lead not exceeding 8 metres in length when fully extended, and suitable for control of the type and size of the dog or other *animal* attached to the *leash*;

"**litter**" means any garbage generated by a person while in a *park* and engaged in activities ordinarily connected with reasonable *park* use;

"**management plan**" means a guiding document approved by the *District*'s *Board* for the use, development, operation and maintenance of one or more *parks*;

"**Manager**" means the *District'*s Manager of Parks Services or such other person as may be appointed to act in the place of the Manager of Parks Services from time to time;

"**mobility aid**" means a device, including a manual wheelchair, electric wheelchair and scooter, that is used to facilitate the transport, in a normally seated orientation, of a person with a physical disability; **[BL1801.02]**

"**natural park features**" means any native or non-native tree, shrub, flower, herb, berry, bough, grass or plant of any kind, and all soil, sand, silt, gravel, rock, mineral, wood, fallen wood or other living or dead natural material;

"**ORV**" means an off-road *vehicle* designed for travel off highways such as snowmobiles, all-terrain *vehicles* or quads, off-road motorcycles, side-by-sides, and jeeps, trucks, sports utility *vehicles* and other small on-highway motor *vehicles*;

"**park**" means any area of land or water, operated by the *District* as regional or community *park*, trail, roadside path or *water access*, that:

(a) the *District* has possession and control of pursuant to the *Park (Regional) Act* or "Regional Trails Regulation";

(b) the *District* has possession and control of pursuant to Section 510 of the *Local Government Act*;

(c) the *District* holds in fee simple or by lease, licence, permit, statutory right of way or private land access agreement for the purpose of a *park*;

"**park use permit**" means a permit issued by the *District* granting the holder *special use* of a *park*;

"peace officer" means an RCMP constable, BC Conservation Officer or a Fisheries and Oceans Canada Fishery Officer;

"permit issuer" means an employee of the *District* appointed to deal with *park use permit* applications as authorized under this bylaw;

"**person experiencing homelessness**" means a person with no fixed address who is unable to find temporary abode at a public *shelter* facility; **[BL1801.02]**

"personal motorized device" means any motorized personal transportation device such as an electric skateboard, segway or hover-board, but does not include an *e-scooter*, *e-bike*, *vehicle*, or *mobility aid*; **[BL1801.02]**

"**registered camper**" means a person who is authorized to *camp* at a *campground*;

"**remote control vehicle**" means any *vehicle* operated or controlled from a distance using a remote control device. **[BL1801.01]**

"**special use**" means:

(a) a public or private, commercial or non-commercial service, activity or event that is intended to attract or requires participants or spectators and includes such as a gathering, wedding, festival, competition, tournament, procession, concert, march, show, party, ceremony, fishing derby or regatta;

(b) group training, lessons or recreational or other programming;

(c) recording, photography, filming or videotaping for use in television, motion pictures, on the web or in other commercial or institutional presentations;

(d) research, survey, data collection or petition activity;

(e) use of a *park* for non-park purposes including *vehicle* access, installing/decommissioning utilities, structures, road, signs, fences, gates or walls; **[BL1801.01]**

(f) use of a *remote control vehicle* and models; **[BL1801.01]**

(g) operation of a human or *animal* powered device to transport people or goods; or

(h) any activity otherwise prohibited under this bylaw; **[BL1801.01]**

"**shelter**" means a structure, improvement, shield or cover used or intended to be used to house or protect people or things, and includes a tent, tarp, lean-to or other refuge made of cardboard, tarpaulin, canvas, plastic, metal, logs, brush, branches or other materials natural or man-made;

"**smoke or vape**" means to burn, use, hold or carry a lighted cigarette, cigar, pipe, or hookah pipe, or to use an *e-cigarette*, or hold an activated *e-cigarette* or any other *vapour product* that actively heats or vaporizes an *e-substance* and includes to *smoke or vape* cannabis; **[BL1801.02]**

"**sun-shelter**" means a lightweight open-sided structure no greater than three metres by three metres which is intended for use as a temporary sunscreen;

"**traffic control device**" means a sign, signal, line or marked space, parking meter, barrier, buoy or other device placed or erected by authority of the *District* in order to control or direct the presence, passage, tethering, parking or movement of *vehicles*, *vessels*, *ORVs*, *cycles*, *e-bikes*, *e-scooters*, equestrians, swimmers or other *park* users; **[BL1801.02]**

"**under control**" in relation to a dog or other domestic *animal*, means the person having custody of the *animal* has a clear line of sight to the *animal* at all times and is able to bring the *animal* to heel by calling;

"**vapour product**" means the following:

(a) an *e-cigarette*;

(b) an *e-substance*; or

(c) a cartridge for or a component of an *e-cigarette*; **[BL1801.02]**

"**vehicle**" means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway, such as a car, truck, motorcycle, motorbike, motor scooter, recreational *vehicle* and trailer, but does not include *ORVs*, *cycles*, *e-bikes*, *e-scooters*, *mobility aids*, or any device designed to be moved by human or *animal* power; **[BL1801.02]**

"**vessel**" means any device which is intended to operate on, in or under water, with the exception of *aircraft*;

"**water access**" means public road allowance under the jurisdiction of the Ministry of Transportation and Infrastructure, developed or not for vehicular use, running to fresh or salt water and managed as *park* by the *District* under permit from the Ministry;

"**wildlife**" means any wild mammal, bird, reptile, fish, amphibian or insect.

5 INTERPRETATION

(1) Except as otherwise defined in this bylaw, words and phrases used herein have the same meaning as in the *Local Government Act*, the *Community Charter* and the *Interpretation Act* as the context and circumstances require. A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any

statute, regulation, code or bylaw refers to that enactment as it may be amended or replaced from time to time. Words in the singular include the plural, and words in the plural include the singular.

(2) The headings to the clauses in this bylaw and table of contents have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this bylaw or any provision of it.

PART II – PARK REGULATIONS, PROHIBITIONS AND REQUIREMENTS

6 DELEGATION

The *Manager*, in addition to administering this bylaw, may:

(1) place or erect signs or other *traffic control devices* setting out rules and regulations for *park* use;

(2) temporarily prohibit public use of all or part of a *park* or its *facilities* in order to allow for construction, maintenance, repairs, removal of hazards, overcrowding, *special use* or another necessary or permitted temporary activity impacting ordinary use of the *park* by the public;

(3) remove or cause to be removed from a *park*:

(a) anything which has been placed or erected in a *park* contrary to the provisions of this bylaw, or

(b) any *vehicle*, *ORV* or *vessel* operated contrary to the provisions of this bylaw;

(4) dispose of any personal possessions left behind in a *park*;

(5) restrict or prohibit campfires;

(6) restrict or prohibit public access to *conservation zones* or any *facility* or *natural park feature* identified as needing protection in a *park management plan*, covenant or tenure agreement;

(7) authorize *special use* of a *park* as set out in Section 21 and Schedule A; and

(8) identify and post at a *park* any regulation, prohibition or requirement which is incidental to the purposes and consistent with the intent of this bylaw.

(9) waive *special use* permit fees for non-profit groups that make application for park access that provide benefits for the park or community. **[BL1801.01]**

7 RULES AND SIGNAGE

Every person shall comply with this bylaw and any conditions, prohibitions or requirements displayed by way of a sign or other *traffic control device* or set out in a *park use permit*.

8 PUBLIC CONDUCT

No person shall:

(1) behave in a disorderly, dangerous or offensive manner, or otherwise act so as to unreasonably distress or annoy another person in the *park*;

(2) obstruct or interfere with *authorized personnel* in the performance of their duties;

(3) interfere with any person or traffic using a *park* in accordance with this bylaw;

(4) where a toilet is provided in a *park*, relieve themselves anywhere but in the toilet;

(5) where no toilet is provided in a *park*, relieve themselves anywhere within public view or within 300 metres of a private residence outside the *park*;

(6) play electric instruments or any audio or audio-video device producing electronically amplified sound, except in accordance with a *park use permit* specifically authorizing such an instrument or device;

(7) enter or otherwise remain within a *park* for any purpose, including *camping,* during *curfew hours* except as:

(a) a *registered camper* at a *campground*;

(b) a person using an *active transportation corridor*;

(c) a person holding a *park use permit* granting exemption from *curfew hours*; and

(d) a *person experiencing homelessness* with or without *shelter* and in conformity with Schedule B; **[BL1801.02]**

(8) fail to comply with a restriction on public access communicated by a person or agency under Section 3 (3)(c)(ii);

(9) sell alcohol in a *park* except in accordance with a *park use permit* specifically authorizing that;

(10) consume alcohol in a *park* except:

(a) as a *registered camper* or guest of a *registered camper* at a *campsite* in a *campground*; or

(b) as part of a *special use* under a *park use permit* allowing for alcohol consumption;

(11) consume cannabis in a *park* except as a *registered camper* or guest of a *registered camper* at a *campsite* at a *campground,* and then only without smoking or vaping the cannabis and in accordance with applicable legislation; or

(12) operate *aircraft, remote control vehicles and models* in such a manner as to damage *natural park features*, intrude on the privacy of other persons, interfere with a *facility*, or the use and enjoyment of a *park* by others. **[BL1801.01]**

9 VEHICLES

No person shall:

(1) drive, propel, park or otherwise operate a *vehicle* except:

(a) on designated roadways or in designated parking areas;

(b) in conformance with *traffic control devices*; and

(c) at a speed greater than 10 kilometres per hour unless otherwise permitted by posted sign;

(2) operate a *vehicle* in such a manner as to disturb *natural park features* or the enjoyment of the *park* by others except in accordance with a *park use permit* specifically authorizing this;

(3) clean, repair or carry out maintenance on a *vehicle* except in an emergency;

(4) leave a *vehicle* in a *park* during *curfew hours* except as a *registered camper* or as a holder of a *park use permit* specifically authorizing this; or

(5) obstruct use of a *park* gate by leaving a *vehicle* parked in front of it.

10 CAMPING

(1) No person shall camp at a *campground* except in accordance with the *campground* rules

and regulations and after paying the fees established in Schedule C. **[BL1801.01]**

(2) No *person experiencing homelessness* may camp in a park only except in conformity with the rules established in Schedule B. **[BL1801.02]**

(3) No person may camp in a park except in accordance with a *park use permit* specifically authorizing that.

11 VESSELS AND WATER ACTIVITY

No person shall:

(1) launch or remove a *vessel* from a body of water except by using a designated boat launch ramp, floating dock or by physically carrying and not dragging the *vessel* to and from the water; **[BL1801.01]**

(2) disturb *natural park features* in the process of launching a *vessel*;

(3) operate a *vessel* within a designated swimming area or in a way that interferes with swimmers;

(4) run a *vessel* ashore except in designated boat beaching areas;

(5) moor a *vessel* to dry land or impede or endanger pedestrian movement along a beach or foreshore;

(6) clean, repair or carry out maintenance on a *vessel* except in an emergency; or **[BL1801.01]**

(7) leave a *vessel* in a *park* during *curfew hours* except as a *registered camper* or as a holder of a *park use permit* specifically authorizing this; **[BL1801.01]**

12 OFF-ROAD VEHICLES (ORVs)

No person shall:

(1) drive, propel, park or otherwise operate an *ORV* in a *park* except where *ORV* use has been designated as authorized by the *District* by sign posted at the *park*;

(2) at *parks* where *ORV* use is authorized:

(a) operate an *ORV* that is not registered and insured in BC or another jurisdiction where registration is required and displaying the number plate or sticker in accordance with applicable legislation;

(b) operate an *ORV* except on designated roadways, trails and parking areas, and in conformance with *traffic control devices*;

(c) drive or propel an *ORV* through a water course or in such a manner as to disturb *natural park features* or the enjoyment of the *park* by others; or

(d) clean, repair or carry out maintenance on an *ORV* except in an emergency.

13 CYCLING AND PERSONAL MOTORIZED DEVICES

(1) No person shall ride a *cycle*, *e-bike, e-scooter, or personal motorized device*:

(a) except on a road or trail and in conformity with *traffic control devices*;

(b) along a beach or through water unless at a designated ford;

(c) in such a way as to disturb *facilities* or *natural park features*; or

(d) at a speed greater than 20 kilometres per hour unless otherwise permitted by posted sign. **[BL1801.01, BL1801.02]**

(2) No person shall ride an *e-bike*, *e-scooter, personal motorized device* or *cycle* at a speed greater than walking pace when within sight of another *park* user who is not mounted on a horse, *e-bike, e-scooter, personal motorized device* or *cycle*. **[BL1801.01, BL1801.02]**

14 HORSEBACK RIDING [BL1801.02]

(1) No person shall ride a horse:

(a) except on a road or trail and in conformity with *traffic control devices*;

(b) along a beach or through water unless at a designated ford; or

(c) in such a way as to disturb *facilities* or *natural park features*.

(2) No person shall ride a horse at a speed greater than walking pace when within sight of another *park* user who is not mounted on a horse, *e-bike, e-scooter, personal motorized device* or *cycle*.

(3) A person riding a horse must move their horse's excrement to the side of the trail and leave clear passage for other trail users.

15 DOGS

(1) Subject to the *Guide Dog and Service Dog Act*, no person shall bring a dog into a *park* or part of a *park* where dogs are prohibited by posted sign. **[BL1801.01]**

(2) No person shall bring a dog into a *park* or allow a dog to remain in a *park* unless the person:

(a) carries with them at least one *leash*;

(b) ensures the dog is *under control* if not restrained by a *leash*;

(c) when in an area where a *leash* is required, ensures the dog is restrained by a *leash*; and

(d) has affixed a properly fitted collar to the dog. **[BL1801.01, BL1801.02]**

(3) No person shall permit a dog under their care to:

(a) run or roam at large;

(b) cause injury to *wildlife*;

(c) damage or feed on vegetation.

(d) annoy, including by barking or howling for a continuous period of ten (10) seconds or more, other *park* users; or

(e) cause injury to other *park* users or their dogs.

(4) Where a *litter* or garbage container is provided in a *park*, a person having custody of a dog must bag and place their dog's excrement in the container provided or remove the excrement from the *park*. Where no such container is provided at a *park*, the dog owner must move the excrement to the side of the trail and leave clear passage for other trail users, or remove the excrement from the *park*.

16 HUNTING, FIREARMS, FISHING AND SHELLFISH HARVESTING

No person shall:

(1) hunt in a *park*;

(2) carry or discharge any firearm, air gun, blank ammunition starting pistol, bow or crossbow, slingshot or similar device in a *park*; or **[BL1801.01]**

(3) fish or harvest shellfish in a way that impedes the free use of waterfront by swimmers and bathers or where prohibited by signage.

17 GARBAGE AND POLLUTION

No person shall:

(1) deposit or leave *litter* in a *park* except in the containers provided for such purpose;

(2) deposit or leave in a *park* any household, commercial or industrial waste, construction debris, toxic or hazardous substances, garbage, trash, refuse, cans, bottles, papers, metals, plastics, discarded furniture, appliances or personal items, ashes, yard cuttings, or other waste of any kind that is not generated by a person in connection with reasonable *park* use;

(3) release sewage from a *vehicle* toilet except where a sani-station is provided for that purpose; or

(4) foul, including without limitation by washing, contaminating or polluting any body of water or the area around wells and water pumps.

18 PARK FACILITIES AND GROUNDS **[BL1801.02]**

No person except as the holder of a *park use permit* specifically authorizing the action shall:

(1) alter, remove, move, deface, cut, tamper with, damage or destroy any *park facility*;

(2) dig or excavate in a *park*; **[BL1801.01]**

(3) leave a *park* water tap running or otherwise waste water;

(4) remove *park* water from a *park*, whether from a piped source or natural water body, for consumption or use elsewhere;

(5) store any material or objects of any kind;

(6) climb, walk or sit upon any wall or fence, or climb up on or jump off of a bridge;

(7) damage or destroy the utility or free use of any sports field, court or play structure;

(8) bring in, build or cause to be built any temporary or permanent structure including a fence, wall, dam, jump or play structure;

(9) place graffiti on *facilities* or *natural park features*;

(10) build, alter or otherwise create a trail;

(11) erect any *shelter* other than a *sun-shelter* except for *persons experiencing homelessness* in accordance with Schedule B and *registered campers* at their *campsites*; or

(12) obstruct or cause to obstruct public access to a *park*.

19 FIRE, SMOKING, VAPING AND FIREWORKS

No person except as the holder of a *park use permit* specifically authorizing the action shall:

(1) light a fire in a *park* except if it is a campfire in a designated fire pit at a *campground* and if there is no posted campfire ban in effect;

(2) where and when permitted to light a campfire, burn unsuitable materials such as driftwood, waste, plastic, flammable or combustible liquid, treated lumber or wood scavenged from a *campground* or other part of the *park*;

(3) light an outdoor stove using liquid or gaseous fuel or briquettes if the stove is not CSA approved or has a flame length exceeding 15 cm;

(4) leave a lit campfire or outdoor stove unattended by a responsible person;

(5) *smoke or vape* any substance in a *park* including at *campsites*; **[BL1801.02]**

(6) discard on the ground any burning matter including but not limited to a match; or

(7) set off fireworks or other explosive material.

20 NATURAL ENVIRONMENT AND WILDLIFE

No person except as the holder of a *park use permit* specifically authorizing the action shall:

(1) cut down a tree or remove cut or fallen wood or any other vegetative matter;

(2) remove water from a water course or body of water in a *park*;

(3) pick, cut, prune, top, apply herbicides, fungicides or insecticides to or damage or destroy any *natural park feature*;

(4) plant vegetation;

(5) alter, disturb or harm *natural park features* for the purpose of creating a play space, *cycle* jump, game course or other play space;

(6) feed, snare, trap, catch or hold by any means or purposely disturb, frighten, molest or injure any *wildlife*; or

(7) store or set out food in a way that will attract *animals*.

PART III – SPECIAL USE AND PERMITS

21 SPECIAL USE AND COMMERCE

No person shall:

(1) undertake or engage in a *special use*;

(2) post, paint or distribute any kind of commercial advertisement, sign, handbill, pamphlet, poster or placard; or

(3) operate, park or station a *vehicle* displaying advertising or equipped with a public address system,

except in accordance with a *park use permit* specifically authorizing that.

22 PARK USE PERMITS

(1) A person, group or organization intending to carry out *special use* of a *park* may obtain a *park use permit* by: **[BL1801.01]**

(a) submitting an application on the form provided by the *District*;

(b) agreeing in writing to all terms, requirements, restrictions and conditions of *special use* established by the *Manager* or *permit issuer*;

(c) submitting all required fees, deposits, other documents and insurance documents; and **[BL1801.01]**

(d) showing evidence of compliance with the requirements of other relevant *District* bylaws as well as the regulations of other government bodies and local authorities that may apply in the circumstances.

(2) On receiving an application for a *park use permit*, the *Manager* or *permit issuer* may, in accordance with Schedule A and further to the purposes of this bylaw:

(a) grant, refuse, renew or refuse to renew a *park use permit*;

(b) Require the applicant to provide a damage deposit in an amount in accordance with Schedule A and based upon the potential of the proposed activity to damage *park facilities* and infringe upon the enjoyment of the *park* by others; **[BL1801.01]**

(c) impose terms, requirements, restrictions and conditions on obtaining, holding or renewing a *park use permit*, additional to those set out in Schedule A, at a particular *park* considered appropriate by the *Manager* or *permit issuer* for the safe and convenient use of the *park* and to ensure the purposes and requirements of this bylaw are met.

(d) The *Manager*, in accordance with section (9) of Delegation, has the ability to waive *special use* permit fees for non-profit groups that make application for park access that provide benefits for the park or community. Examples that would be considered for fee waive exemptions would include approved park enhancements, and education and awareness initiatives. **[BL1801.01]**

(3) Without limiting Section 21 (2), the *Manager* or *permit issuer* may impose any one or more of the following conditions on a *park use permit*:

(a) a maximum number of participants;

(b) the confinement of a *special use* to a specific location within a *park* and to certain time periods;

(c) to participation by people certified or otherwise qualified to operate equipment or *vehicles*, or to engage in or supervise a proposed activity;

(d) removal of all *litter* and other waste generated through *special use*;

(e) provision of appropriate emergency personnel, traffic control or security during the course of the *special use*; **[BL1801.01]**

(f) restrictions on the use of generators and other mechanical, electrical or electronic devices, the playing of live or recorded music, and the erection or placement of any structures, seating, tables, flags, banners or other gear associated with the *special use*;

(g) posting of advance notices advising all *park* users of the nature and date of *special use*; as per permit instructions; **[BL1801.01]**

(h) restrictions and requirements for event promotion and regarding use of the *park* name and the *District'*s logo;

(i) restrictions and requirements on the type or nature of merchandize, items or services proposed for sale or consumption during the *special use*;

(j) in relation to a specific exemption from a restriction or requirement of this bylaw where an exemption is provided for;

(k) preventative or remedial requirements to avoid, reduce or mitigate potential impacts of the *special use* on *facilities*, *natural park features* and *park* neighbours;

(l) requirements for insuring and indemnifying the *District* for any injury or damage to property or loss or injury to persons that may result from activity or use carried out under the *park use permit*; and

(m) other terms and conditions that are consistent with the intent of this bylaw.

(4) Without limiting Section 21 (2), the *Manager* or *permit issuer* may refuse, suspend, revoke, or cancel a *park use permit* application if the *Manager* or *permit issuer* considers that:

(a) the *special use* does not conform with the *management plan* for a *park*;

(b) the location of a *special use* is likely to have a significant or permanent negative environmental impact on *natural park features*, or conflicts with common use by others;

(c) the provisions of this bylaw or any terms, restrictions, requirements or conditions of the *park use permit* have not been met or cannot be met;

(d) the applicant cannot or is not competent or qualified to assume full responsibility for the *special use* or some aspect of it, or that the *District* will not be adequately indemnified; **[BL1801.01]**

(e) If required to do so under section 21(2)(b), the applicant does not provide damage deposit required under section; or **[BL1801.01]**

(f) the applicant for a *park use permit* has previously contravened this bylaw.

(5) An applicant for a *park use permit* whose application has been refused may appeal the decision to the *District's* Board by submitting to the corporate officer a written request, directed to the Board Chairperson, within 15 business days after the day the decision to refuse was issued.

(6) Where the holder of a *park use permit* has not met the requirements of this bylaw or the terms, restrictions, requirements and conditions of the *park use permit*, in addition to the suspension, revocation or cancellation of the *park use permit* and any other penalties or other enforcement actions that may apply:

(a) a *park use permit* fee or damage deposit may be forfeited to the *District*;

(b) the holder may be required to pay for the clean-up and repairs required to restore *facilities* or *natural park features* to pre-special use condition, with failure to do so entitling the *District* to perform the work at the holder's expense; and

(c) the *District* may exercise its rights under the holder's insurance policy and indemnification obligations.

PART IV – ENFORCEMENT, PENALTIES AND REMEDIES

23 ENFORCEMENT

(1) The *Manager*, a *bylaw enforcement officer* or a *peace officer* may enforce this bylaw, and in so doing may be assisted by another such officer or a *District* employee.

(2) *Authorized personnel* may order a person who contravenes this bylaw, or a *park use permit* to do any of the following:

(a) cease and desist;

(b) leave the *park* immediately;

(c) remove or cause to be removed any *animal*, *cycle*, *e-bike*, *e-scooter, personal motorized device*, *vehicle*, *vessel*, *ORV*, structure or other thing which causes or is contributing to a contravention of this bylaw or of a *park use permit*; and **[BL1801.02]**

(d) restore any damage caused by the contravention to *natural park features* or *facilities*.

(3) *Authorized personnel* may restrain, seize and detain or cause to have restrained, seized and detained a dog or other domestic *animal* with no apparent custodian and have the *animal* removed to an *animal* shelter or other appropriate facility, in which case the provisions for impoundment and fees apply as established in the *District's* Animal Control and Licensing Bylaw No. 939, 1994; Animal Control Bylaw No. 941, 1994; or Animal

Control Regulatory Bylaw No. 1066, 1996, as applicable to the area in which the *animal* is detained.

(4) *Bylaw enforcement officers* may enter onto any property in accordance with Section 16 of the *Community Charter* in order to inspect and determine if this bylaw is being contravened.

24 PENALTIES

(1) Any person who

(a) contravenes a provision of this bylaw,

(b) suffers or permits any act or thing to be done in contravention of this bylaw,

(c) refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed under this bylaw,

commits an offence, and each day that a contravention continues amounts to a separate offence.

(2) A person found guilty of an offence under this bylaw is liable:

(a) if proceedings are brought under the *Offence Act*, to pay the maximum fine and other penalties, compensation and costs authorized by that *Act* and the *Local Government Act*;

(b) if a ticket is issued under Division 3 of Part 8 of the *Community Charter*, to pay a maximum fine of $1,000; or

(c) if a bylaw notice is issued under the Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019, to pay a penalty of up to $500.

(3) Fines and penalties imposed under this Section are in addition to and not in substitution for any cost recovery, remedial action or other consequence of default or contravention provided for under this bylaw, and do not limit the right of the *District* to bring civil proceedings or pursue any other remedy available at law.

25 REMEDIAL ACTION AND COST RECOVERY

(1) Where a person has damaged or removed any *natural park feature* or *facility*, the person must, at the direction of the *Manager*:

(a) restore or repair the *natural park feature* or *facility* or replace it with one of similar value, or

(b) pay the cost of restoring, repairing or replacing the *natural park feature* or *facility*, as applicable and as determined by the *Manager*, to the *District* within 30 days of an invoice being delivered by the *District.*

(2) If a person has been required to do something under a provision of this bylaw, and the person has not completed the action within the time specified:

(a) *authorized personnel* may fulfill the requirement at the expense of the person;

(b) *authorized personnel* may enter onto the person's property if necessary or convenient to fulfill the requirement; and

(c) the *District* may recover the costs incurred for fulfilling the requirement from the person as a debt.

PART V – GENERAL

26 SCHEDULES

The following Schedules are attached to and form part of this bylaw:

Schedule A – Park Use Permit Regulations and Fees for Special Use of Parks
Schedule B – Homeless Camping Regulations
Schedule C – Camping and Boating Fees and Regulations
Schedule D – Penalties – Schedule 17 of Bylaw Notice Bylaw No. 1786, 2019
Schedule E – Community Centre and Community Hall Rental Fees and Charges
[BL1801.01, BL1801.02]

27 SEVERABILITY

In the event that any portion of this bylaw is declared *ultra vires* by a court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw and the remainder of the bylaw shall continue in full force and effect.

28 REPEAL AND AMENDMENT

(1) Regional District of Nanaimo Park Use Regulations Bylaw No. 1399, 2004, and 1399.01, 2009, are hereby repealed.

(2) The Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019, is amended by deleting Schedule 17 of that bylaw and replacing it with Schedule D of this bylaw.

Introduced and read three times this 25th day of February, 2020.

Adopted 25th day of February, 2020.

_____ _____

CHAIR CORPORATE OFFICER

[BL1801.01]

Schedule 'A' to accompany "Regional District of Nanaimo Park Use Regulations Amendment Bylaw No. 1801.01, 2024"

Chair

Corporate Officer

SCHEDULE A
PARK USE PERMIT REGULATIONS AND FEES FOR SPECIAL USE OF PARKS

Fee Type	Application Fee	Permit Fee	Minimum Damage Deposit
Private events - less than 50 people	$10	$50/day	$150
Private events - 50-100 people	$10	$100/day	$300
Private events - more than 100 people	$100	$250/day	$500
Public events - less than 50 people	$10	$50/day	$150
Public events - 50-100 people	$10	$100/day	$300
Public events - more than 100 people	$100	$250/day	$500
Non-profit services incl. guiding, training, recreation programming less than 50 people	$10	$25/day	$150
Non-profit services incl. guiding, training, recreation programming 50-100 people	$10	$75/day	$300
Non-profit services incl. guiding, training, recreation programming greater than 100 people	$100	$150/day	$500
Commercial recreation services	$100	$50/day	$150
Commercial recreation services	$100	$350/year	$500/year
Commercial events	$100	TBD	Min $500
Filming Minor - No changes to the park or nominal impact to users	$100	$75/day	$250
Filming Major - Requested changes to the park and/or park closure and/or impact to users	$100	$500/day	$2,000
Research Activities - non profit	-	-	$150
Research Activities - private or commercial	$100	$100/day	$200
Park Access for construction or crossing parkland	$100	$250/day	Min $500

BL1801.01, BL1801.02

Schedule 'B' to accompany "Regional District of Nanaimo Park Use Regulation Amendment Bylaw No. 1801.02, 2026"

Chair

Corporate Officer

SCHEDULE B
HOMELESS CAMPING REGULATIONS

1 General

(a) Where not prohibited in Section 2 or 3 below, a *person experiencing homelessness* may camp in a *District park* between 7:00 p.m. one day and 9:00 a.m. the following day, at which point the *person experiencing homelessness* must vacate the *park* until at least the next 7:00 p.m. **[BL1801.02]**

(b) Prior to departure from a *park*, the *person experiencing homelessness* must dismantle any *shelter* erected. **[BL1801.02]**

(c) Upon departure from a *park*, the *person experiencing homelessness* must take with them all personal possessions brought into the *park* and properly dispose of *litter* and garbage. **[BL1801.02]**

2 Prohibited Parks

Persons experiencing homelessness are prohibited from *camping* in the following *District parks*:

(a) all regional and community trails and paths;

(b) all *water accesses*; and

(c) the following *parks*:

Electoral Area	Park	
A	Cedar Plaza Community Park	Kipp Road Community Park
	Cedar Skatepark	MacMillan Road Community Park
	Fawcett Road Community Park	Thelma Griffith Community Park
	Glynneath Road Community Park	Woodridge Road Community Park
	Hallberg Road Community Park	
B	707 Community Park	Link Bay Road Community Park
	Blue Heron Community Park	Malaspina Galleries Community Park
	Bluewhale Community Park	Paisley Place Community Park
	Captain Ahab's Terrace Community Park	Pequod Crescent Community Park
	Cardale Road Community Park	Pilot Bay Community Park
	Clamshell Drive Community Park	Queequeg Place Community Park
	Coast Road Community Park	Rollo McClay Community Park
	Decourcy Drive Community Park	Sea Fern Lane Community Park
	Dodd Narrows Community Park	Stalker Road Community Park
	Dunlop Lane Community Park	The Strand Community Park

Electoral Area	Park	
B Cont.	Hummingbird Community Park	Town-Ho End Community Park
	Huxley Community Park	Descanso Bay Regional Park
	Joyce Lockwood Community Park	Coats Marsh Regional Park
C	Extension Miners Community Park	Riverbend Community Park
	Heather Way Community Park	South Forks Road Community Park
	Nanaimo River Canyon Community Park	Twilight Way Community Park
	Riverbend Road Community Park	Virostko Road Community Park
E	Amelia Crescent Community Park	Henley Place Community Park
	Arbutus Grove Community Park	Highland Road Community Park
	Blueback Drive Community Park	Jack Bagley Community Park
	Brickyard Community Park	Nanoose Road Community Park
	Carmichael Road Community Park	Park Place Community Park
	Claudet Creek Community Park	Redden Road Community Park
	Claudet Road Community Park	Richard Place Community Park
	Craig Creek Estuary Community Park	Rowland Road Community Park
	Crowsnest Lane Community Park	Rumming Road Community Park
	Davenham Road Community Park	Schooner Ridge Community Park
	Dolphin Lake Community Park	Stone Lake Drive Community Park
	Dolphin Marsh Community Park	Beachcomber Regional Park
	Es-hw Sme~nts Community Park	Moorecroft Regional Park
F	Allsbrook Road Community Park	Kerr Road Community Park
	Brooklin Lane Community Park	Little Qualicum Falls Community Park
	Coombs Station Community Park	Meadowood Community Park
	Errington Community Park	Melon Road Community Park
	French Creek School Community Park	Old Alberni Hwy Community Park
	Harris Crescent Community Park	
G	Blue Water Place Community Park	Maple Lane Community Park
	Boultbee Drive Community Park	Neden Way Community Park
	Brookfield Windridge Community Park	Peterson Rascal Community Park
	Centre Crescent Community Park	Quails Landing Way
	Chattel Road Community Park	Riley Sanika Community Park
	Cinnamon Sedge Matuka Community Park	San Malo Crescent Community Park

Electoral Area	Park	
G Cont.	Dalmatian Drive Community Park	Stanhope Community Park
	Dashwood Community Park	Stormwater Community Park
	French Creek Estuary Nature Preserve	Sumar Lane Community Park
	Hawthorne Rise Community Park	Top Bridge Community Park
	Kaye Peterson Community Park	Little Qualicum River Estuary RCA
	Kaye Rivers Edge Community Park	Dashwood Community Park
	Kaye Road Community Park	French Creek Community Park
	Matuka Drive Community Park	River's Edge Community Park
	Miller Road Community Park	
H	Deep Bay Creek Community Park	Wildwood Place Community Park
	Henry Morgan Community Park	Horne Lake Regional Park
	Lions Community Park	

3 Prohibited Areas

In *parks* where permitted, a *person experiencing homelessness* may not camp:

(a) within 30 m of:

(i) neighbouring residential property; or

(ii) *park* buildings, toilets, *shelters*, playgrounds, picnic tables, benches, garbage cans, maintained fields or other organized play spaces;

(b) within 30 m of internal trails, roads, bridges, or in parking lots or demarcated and tended areas of vegetative plantings; or

(c) in a *conservation zone*. **[BL1801.02]**

[BL1801.01]

Schedule 'C' (page 1 of 3) to accompany "Regional District of Nanaimo Park Use Regulations Amendment Bylaw No. 1801.01, 2024"

Chair

Corporate Officer

SCHEDULE C
CAMPING AND BOATING FEES AND REGULATIONS

1 Fees[1]

Horne Lake Regional Park

- **Reservation fee:** $10 per reservation, cancellation or change
- **Camping Fees**

Regular Sites (per site per night)	**Regular**	**Shared**
High Season[2]	$32	$52
Low Season[2]	$12	$12

Group Sites (per person)	**Youth**	**Adult**
	$2.50	$5

- **Boat Launch:** $6 per launch; $50 for 10-launch pass

Descanso Bay Regional Park

- **Reservation fee:** $6 per night, maximum $18
- **Camping Fees**

Regular Sites (per site per night)	**Regular**	**Walk in**
High Season[2]	$25	$22
Low Season[2]	$12	$12

Group Site (per person)	**Youth**	Adult
	$2.50	$5

[1] GST applies to all fees. Fees represent the maximum that may apply. Full or partial refunds may be available.

[2] High season begins April 1 and ends October 31. Low season begins November 1 and ends March 31.

Schedule 'C' (page 2 of 3) to accompany "Regional District of Nanaimo Park Use Regulations Amendment Bylaw No. 1801.01, 2024"

Chair

Corporate Officer

2 Applicability

Camping and boating regulations and fees apply to Horne Lake Regional Park and Descanso Bay Regional Park only.

3 Campground Registration

(a) All campers must register with the park operator and pay to rent a *campsite*, reserve a *campsite* and *park* an extra *vehicle* overnight. Additional administrative fees may apply to change or cancel reservations.

(b) Only persons 19 years of age or older may register a *campsite* and whosoever registers a *campsite* assumes responsibility for all campers included in the registration party in addition to payment of all applicable *camping* fees and charges.

(c) Every child must be accompanied by a parent or guardian.

4 Number of Registered People and Vehicles per Campsite

(a) At each regular *campsite* there may be no more than:

(i) eight (8) people, including no more than four (4) adults, an adult being a person 19 years of age or older; and

(ii) one *vehicle* with trailer or towed *vehicle*, or one recreational *vehicle* (RV); if space permits, the park operator may allow a second non-RV *vehicle* at the *campsite* for an additional nightly charge of 50 per cent of the *campsite* fee.

(b) At each group *campsite* at Horne Lake Regional Park, a minimum 20 people are required per *campsite* rental.

5 Length of Stay

(a) The maximum length of stay per registrant is fourteen days per season, not necessarily consecutively. Additional stays may be allowed by the park operator if vacancies permit.

(b) Minimum length stays may apply around weekends and weekends involving a statutory holiday including Easter Monday.

6 Curfew, Litter and Dogs

(a) Only *registered campers* are permitted in a *campground* during *curfew hours*.

(b) Except for emergencies or by prior arrangement with the park operator, *registered campers* shall stay in the *park* during *curfew hours*.

(c) Campers must remove all *litter* from their *campsite* and fire pit before vacating a *campsite*.

(d) Dogs must be *leashed* at all times while in *campgrounds*, including at *campsites*.

Schedule ‘C' (page 3 of 3) to accompany "Regional District of Nanaimo Park Use Regulations Amendment Bylaw No. 1801.01, 2024”

Chair

Corporate Officer

7 Alcohol, Cannabis, Smoking and Vaping

(a) Only *registered campers* and their guests may consume alcohol or cannabis within a *campground*, and only at their *campsites*. For clarity, consumption of cannabis does not include smoking or vaping of cannabis.

(b) Smoking and vaping of any product at *campsites* or anywhere else in a *park* is prohibited at all times.

8 Campground Etiquette

(a) Between 8 am and 10 pm, noises or sounds generated at one *campsite* must not be so loud as to disturb neighbouring campers. The park operator may restrict the hours during which generators can run.

(b) Behaviour at one *campsite* must not be such as to disturb campers at neighbouring sites. Especially where children are involved, consideration is expected of all campers towards other campers. The park operator may evict campers who persist in disturbing their neighbours.

(c) During the hours between 10 pm and 8 am, all campers must be quiet.

9 Boat Launch at Horne Lake Regional Park

(a) All *vessels* requiring a trailer for transport must be launched at the boat launch ramp.

(b) All persons wishing to use the boat ramp must first register and pay for the service at the *park* office.

[BL1801.01, BL1801.2]

Schedule 'D' to accompany "Regional District of Nanaimo Park Use Regulations Amendment Bylaw No. 1801.02, 2026"

Chair

Corporate Officer

SCHEDULE D
PENALTIES

Schedule 17 **Bylaw Notice Bylaw No. 1786, 2019** **Park Use Regulations Bylaw No. 1801, 2019**				
Section	**Description**	**Penalty**	**Early Payment Penalty**	**Late Payment Penalty**
7; 8(8); 15(1)	Failure to comply with a posted sign or direction	$200	$150.00	$250.00
8(1)(2)(3)(4)(5)(6)(12); 13(1)(2); 14(1)(2); 16(2)(3); 18(3)(6)(9); 19(6)	Disorderly, offensive or dangerous conduct	$200	$150.00	$250.00
8(7)	Breach of curfew hours	$100	$75.00	$125.00
8(9)(10)(11)	Unauthorized use of alcohol or cannabis	$100	$75.00	$125.00
9(1)(2)(3)(4)(5)	Unauthorized vehicle operation	$200	$150.00	$250.00
10(1)(2)(3)	Failure to comply with camping regulations	$200	$150.00	$250.00
11(1)(2)(3)(4)(5)(6)(7)	Unauthorized vessel operation	$200	$150.00	$250.00
12(1)(2)	Unauthorized ORV operation	$200	$150.00	$250.00
14(3); 15(4)	Failure to remove excrement	$100	$75.00	$125.00
15(2)(3)(a)(b)(d)(e)	Dog not under control	$100	$75.00	$125.00
17(1)	Littering	$100	$75.00	$125.00
17(2)(3)(4)	Dumping or fouling	$350	$262.50	$437.50
18(1)(2)(7)	Damage to a facility	$450	$337.50	$500.00
18(5)(8)(10)(11)(12)	Unauthorized installation	$100	$75.00	$125.00
18(4)	Removal of water from a park	$200	$150.00	$250.00
19(5)	Smoking or vaping in a park	$100	$75.00	$125.00
19(1)(2)(3)(4)(7)	Unauthorized fire, stove or fireworks	$200	$150.00	$250.00
20(1)(2)(3)(4)(5)	Disturbing natural park features	$500	$375.00	$500.00
15(3)(b); 16(1); 20(6)(7)	Harm to wildlife/hunting	$200	$150.00	$250.00
21(2)(3)	Unauthorized commercial activity	$250	$187.50	$312.50
21(1)	Unauthorized special use	$200	$150.00	$250.00

[BL1801.01, BL1801.02]

Schedule 'E' to accompany "Regional District of Nanaimo Park Use Regulations Amendment Bylaw No. 1801.02, 2026"

Chair

Corporate Officer

SCHEDULE E
COMMUNITY CENTRE AND COMMUNITY HALL RENTAL FEES AND CHARGES

	General Public/Non-Profit Organizations Full Day Rate (4hours +)	General Public/Non-Profit Hourly Rate (4-hour max)	Commercial Full Day Rate (4 hours +)	Commercial Hourly Rate (4 hours max)	Refundable Deposit
Little Qualicum Hall	$100	$25	$200	$50	$100
Meadowood Community Hall					
Full Facility (including kitchen)	$350	$100	$700	$200	$150
Hall/Mezzanine space (can't be booked separately)	$150	$55	$300	$75	
Meeting Room only	$75	$25	$100	$25	$150
Kitchen only	$100	$50	$200	$75	$150
French Creek Community School					
Gymnasium	$200	$50	$280	$70	$100
School rooms	$100	$25	$160	$40	$100

A cleaning fee "at cost" will be added to all full day rentals at $50 per cleaning hour.

A cleaning fee "at cost" may be added to hourly rentals depending on rental activity (i.e. food served/prepared, dog obedience training, art class, etc.) at $50 per cleaning hour.

Above cleaning fees will be deducted from refundable deposit.

The Womens Institute is eligible for booking 12 Little Qualicum Hall rentals for free each year due to their contributions over the years.