

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4672

(**Amended by Bylaw No, 4712)

FOR CONVENIENCE USE ONLY TO JUNE 11, 2018

A Bylaw for the control of Public Parks and Beaches

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

Interpretation

1. (1) In this Bylaw, unless the context otherwise requires:

"**Corporation**" shall mean The Corporation of the District of Oak Bay;

"**Council**" shall mean the Municipal Council of the Corporation;

"**Commission**" means the Oak Bay Parks, Recreation and Culture Commission established by bylaw;

"**caretaker**" shall mean any employee of the Corporation employed by the Council as caretaker of any park;

"**park**" means any parcel, parcels or tract of land or, where applicable, foreshore or land covered by water, dedicated, reserved, zoned, leased or held as a place for the resort of the public for recreation, air and light;

"**Director**" means the person appointed by Council as the Director of Parks, Recreation and Culture, and includes an employee authorized by him or her to act on his or her behalf.

- (2) Unless the context otherwise requires, wording importing the singular number shall include the plural, and the converse shall also apply.

Traffic /Parking

2. (1) No person shall ride any animal or drive a vehicle, including any bicycle, in any way to as to obstruct, interfere with, or endanger the lawful uses of the park by other persons.
- (2) No person shall ride a bicycle in or upon
- (a) Anderson Hill Park, as more particularly shown in bold outline on the plan attached hereto as Schedule A.1;
- (b) the golf course and chip trail area of Henderson Park, as more particularly

shown in bold outline on the plan attached hereto as Schedule A.2;

- (c) the pathway running from the southerly boundary of the travelled portion of the Esplanade to the easterly end of Bowker Avenue in the proximity of Willows Park, as more particularly shown in bold outline on the plan attached hereto as Schedule A.3;
 - (d) Uplands Park, as more particularly shown in bold outline on the plan attached hereto as Schedule A.4.
3. (1) No person shall ride any animal or drive any motor vehicle on any sidewalk, pathway, turf, or greensward in any park or on any public beach except with the written permission of the Director.
- (2) This Section shall not apply to any Municipal employee engaged in maintenance or to a person engaged in rescue, policing, or firefighting.
4. (1) No person shall park any motor vehicle or trailer or allow it to remain in any park except in a portion of a park designated for parking.
- (2) With the exception of a person using a boat-ramp for launching purposes while his boat is in use in the sea, no person shall park any motor vehicle or trailer in any park during the hours between 11:00 p.m. and 6:00 a.m.

Damage to Parks

5. No person shall dig or carry away any of the grass, turf, gravel, earth, sand or rock in or from any part of any park, or any beach, except under contract with the Corporation.
6. No person shall damage, break, peel, cut, deface, remove, burn, injure or destroy any of the trees, shrubs, flowers, roots or grass in any park.
7. No person shall cut, break, injure, damage, deface, destroy, foul or pollute any park including, without limiting the generality of the foregoing, any building, structure, fence, sign, seat, bench, fountain, ornament or thing in or on any park.
8. No person shall, in any manner, carry or cause to be carried into any park any dead animal, excrement, filth, dirt, stone, rubbish, waste material, or any offensive matter or substance whatever, and no person shall commit any nuisance in any park.
9. No person shall walk or run on the grass or sward of any park when prohibited so to do by any constable or caretaker, or when prohibited by public notice posted or fence erected thereon.
10. No person shall molest, disturb, frighten, injure, trap or snare any bird, animal, or fish in any park without the written permission of the Director.

Use of Parks

11. Upon the application of any individual, club, school, association or society, the Director may permit any portion of any park to be used as a playing ground for playing of any games, matches, or events referred to in any such application, on such days, during such hours and under such conditions as the Director shall determine.
12. No person shall molest, interfere with or disturb the playing of any game, match, or event in any playing ground or park, permitted by the Director, as hereinbefore provided.
13. No person shall play any game in or on any park except upon such portions thereof as may be specifically allotted or designated by the Director for such purpose, and in accordance with such rules and regulations, and at such times as the Director shall prescribe, and without limiting the generality of the foregoing, no person shall in or on any park play golf, lacrosse, shoot an arrow or practice archery, or use any powered contrivance or equipment, except in areas allotted or designated by the Director for such purposes.
14. No person shall, without first obtaining the written permission of the Director, hold or take part in any procession, march, drill, demonstration, play, ceremony, concert, gathering, meeting or similar thing in or on any park.
15. (1) No person shall without first obtaining the written permission of the Director, operate any amplifying system or loudspeaker in or on any park.
(2) Permission of the Director granted under this section may contain conditions under which the use of an amplifying system or loudspeaker may be permitted.
16. (1) No person shall
 - (a) give private instruction,
 - (b) operate a recreational program, or
 - (c) operate, stage, or present a tournamenton or in any park, or in any indoor or outdoor municipal recreation facilities, except with the written permission of the Director.
17. No person shall be permitted to use any equipment pertaining to lacrosse, baseball, softball, football, soccer or golf on any beach within a park from June 1 to September 30, both inclusive, in each year.
18. (1) No person shall operate a power boat, motorized recreational watercraft or sailboat of any description, on the shore side of the seaward boundary of Water Lot 116, Victoria District (Willows Beach), leased from the Crown for recreational purposes.
(2) This Section shall not apply to a person operating a rescue boat, or a boat operating under the auspices of a boating instruction program operated by the Corporation or its agents.

19. No person shall without first obtaining the written permission of Council land, taxi or lift off any aircraft in or from any park.

Miscellaneous

20. No person shall store or leave any boat or canoe in any park other than to effect emergency repairs.

- 21 Subject to subsection 21.1, no person shall light, ignite or maintain any fire, or permit or cause any fire to be lit, ignited or maintained, on any part of the foreshore or beach within the boundaries of The Corporation of the District of Oak Bay.

21.1 The following uses are permitted on any part of the foreshore or beach within the boundaries of the District:

- a) Natural gas or propane gas fires contained within barbecues, grills or other outdoor appliances used solely for the purposes of cooking.
- b) Compressed gas appliances listed for outdoor use, provided such appliance is Canadian Standards Association or Underwriter Laboratory of Canada approved; and is at all times used in accordance with manufacturers' instructions.
- c) Outdoor burning appliances may be used at picnic tables located at Willows Beach Park.
- d) Outdoor burning appliances may only be used from 10:00 a.m. to 10:00 p.m.

21.2 Outdoor burning appliances will not be permitted during the "Tea Party" weekend or at such other times as deemed necessary and/or appropriate by the Fire Chief or Director of Parks, Recreation and Culture.

21.3 No outdoor burning appliance shall be permitted when in the opinion of the Fire Chief the forest fire rating is such that the use of an open flame appliance may be detrimental to public safety or health.

*(**Bylaw No. 4712, adopted June 11, 2018)*

22. (1) No person shall post, paint, or affix any advertisement, bill, poster, picture, matter or thing in or on any park or on any tree, post, pole, building, structure or thing in or on any park, or engage in the distribution or delivery of advertising material in any park or in any building, structure or thing in a park without first obtaining written permission from the Director.

(2) This section shall not apply to signs erected or placed by an employee of the Corporation acting in the course of his duties.

23. (1) No person, without first obtaining the written permission of the Director, shall erect a tent, building, structure or shelter in or on any park.

(2) No person shall camp, or take up temporary or permanent abode in or on any park.

Enforcement

24. Any person guilty of an infraction of any provision of this Bylaw shall be liable on summary conviction to a penalty not exceeding Two Thousand Dollars (\$2000) for each offence.

Repeals

25. The following Bylaws are hereby repealed except insofar as they repeal any other Bylaw:

Bylaw No. 3881, "*Parks and Beaches Bylaw, 1996* ";
Bylaw No. 3948, "*Parks and Beaches Control Bylaw Amendment Bylaw, 1976*",
Bylaw No. 4128, "*Beach Fire Prohibition Bylaw, 1983*",
Bylaw No. 4367, "*Parks and Beaches Control Bylaw Amendment Bylaw, 1987*"

PROVIDED that such repeals shall not affect any offence committed, or penalty or punishment incurred, under such repealed Bylaws or any one of them, and any such penalty or punishment may be imposed as if this Bylaw had not been passed.

General

26. This Bylaw may be cited as the "**PARKS AND BEACHES BYLAW, 2017**".

READ a first, second and third time by the Municipal Council on January 23, 2017.

ADOPTED and FINALLY PASSED by the Municipal Council on February 14, 2017.

Mayor

Director of Corporate Services

Sealed with the Seal of The Corporation of
the District of Oak Bay