

CITY OF PORT ALBERNI

BYLAW NO. 5121

WHEREAS Council may, by bylaw, establish rules and regulations for managing, maintaining, improving, and operating City of Port Alberni parks and public places for the pleasure, recreation, or community use of the public;

AND WHEREAS Council may, by bylaw, regulate, prohibit and impose requirements with respect to services, nuisances, disturbances and other objectionable situations;

AND WHEREAS Council wishes to protect and enhance recreational areas, preserve natural and environmental conditions, and ensure safety and enjoyment while preventing conflicts within City parks and public places;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

1. Title

- 1.1 This bylaw may be known and cited for all purposes as: **"Parks and Public Places Bylaw No. 5121"**.

2. Repeal

- 2.1 Upon effect of Bylaw No. 3611, "Parks Regulation Bylaw", shall be hereby repealed.

3. Definitions

- 3.1 In this bylaw the following terms have the following meanings:

"abutting" means on the front, back, or sides of a property parcel.

"boulevard" means the area between the curbs, lateral lines, or the shoulder of a *street* and the adjacent property line, including *sidewalks*.

"business" means the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal or other services, but does not include an activity carried on by the government, its agencies or government owned corporations.

"Bylaw Enforcement Officer" means every person employed by the City of Port Alberni for the purpose of enforcement of the City's bylaws and includes members of the RCMP and Peace Officers.

"camping equipment" includes portable cooking equipment, sleeping bags or rolls, backpacks or packsacks, tents, tarps or lean-tos.

"campfire" means a small contained outdoor fire, not exceeding 0.5 metres in height and

0.5 metres in width, and used for cooking, ceremonial purposes, or social enjoyment.

"campfire apparatus" means a portable free-standing fireplace that burns liquid, gaseous, or solid fuel, is designed to provide ambiance and heat, and has a flame usually open to the elements but may have a grate on the top to assist with cooking food.

"campfire ban" means a ban implemented by the Government of British Columbia to help prevent human-caused wildfires and to help protect public safety.

"campsite" includes any place of temporary abode where *camping equipment* is used.

"City" means the City of Port Alberni.

"combustible material" means any material capable of being ignited.

"commercial dog walker" means a person who operates a *business* or commercial enterprise in which the primary service provided is the walking of one or more dogs.

"controlled substance" means a controlled substance as defined in the *Controlled Drugs and Substances Act*, SC 1996 c 19, as amended, but does not include a controlled substance permitted under that Act.

"deposit" includes, bury, scatter, set, place, pitch, abandon, toss, drop, throw, dump, leak, or otherwise dispose of.

"dog owner" means any person to whom a license for a dog has been issued pursuant to the City of Port Alberni Animal Control and Pound Bylaw, as amended, and who owns, is in possession of, or has the care and control of a dog.

"dog park" means an area designated by the City that allows for the exercising, training, or companionship of dogs either on or off leash, as signed.

"drug paraphernalia" means equipment, product or accessories intended or modified for using a controlled substance.

"fight" means a violent physical confrontation between two or more people.

"Fire Chief" means the head of the *Fire Department* or their designated representative and includes the Deputy Fire Chief.

"Fire Department" means the City of Port Alberni Fire Department.

"fuel break" means a barrier or a change in fuel type or condition, or a strip of land that has been modified or cleared to prevent fire spread.

"highway" means the same as defined in the *Transportation Act*, SBC 2004, c 44, as amended.

"liquor" means, subject to the *Liquor Control and Licensing Regulation*, BC Reg 244/2002, as amended, beer, wine, spirits or other product that is intended for human

consumption and that contains more than 1% alcohol by volume.

"litter" means debris, *rubbish*, refuse, garbage or waste matter of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture and household effects, inoperative mechanical equipment, kitchen wastes, lumber, packing materials, paper, soil, tree trimmings, pruned branches, clippings, garden waste, stumps, branches, automobile parts.

"Manager" means the Manager of Parks or their designated representative.

"mobile vendor" means a person who, from a motor vehicle, trailer or cycle, as defined or licensed under the *Motor Vehicle Act*, RSBC 1996, c 318, as amended, offers for sale food or merchandise, or who advertises or takes orders for goods or services.

"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.

"natural park feature" means a tree, shrub, herb, flower, grass, turf, or other plant or fungus and all soil, sand, silt, gravel, rock, mineral, wood, fallen timber, or other park resource.

"nuisance" means any activity or action which interferes with the use and enjoyment, comfort or convenience of the *public place* by other persons.

"off road vehicle" means any off road motorcycle, all-terrain vehicle, snowmobile, tracked vehicle, dune buggy, go cart, golf cart or any similar vehicles, but excludes a *mobility aid*.

"outdoor stove" means a cooking fire ignited in a barbecue cooking device that uses liquid fuel, gaseous fuel, or briquettes, and is CSA-approved or ULC-approved for outdoor use.

"park/facility" means land acquired, reserved or dedicated as a regional park or community park in accordance with the *Local Government Act*, RSBC 2015, c 1, as amended, or the *Community Charter*, SBC 2003, c 26, as amended, and land dedicated, owned, controlled, or used by the City as a public park, beach, dock, pier, sports field, playground, cemetery, trail, garden, square, plaza, outdoor sport court, swimming pool, park shelter or recreational facility, and includes all buildings and other improvements upon such land.

"public place" means the following:

- (a) real property of portions of real property to which the public is ordinarily invited or permitted access and, for greater certainty, shall include *highways*, *sidewalks*, *streets*, any portion of a road allowance, parking lots, city facilities, and conservation areas;
- (b) *park/facility*; and
- (c) any other place to which the public has either express or implied access.

"person" includes any corporation, society, firm, partnership, association or party.

"person experiencing homelessness" means a person with no fixed address or no predictable residence to return to on a daily basis and no access to public shelter facilities.

"portable structure" means a free standing, non-permanent structure that can be erected, taken down, and relocated without the need for tools for construction or deconstruction of its constituent elements, such as a tent.

"property return facility" means a location designated by the Manager or City staff where members of the public can go to request the return of property that the City has removed, seized, or impounded from a *public place*.

"retained property" means any property or thing that is removed, seized, or impounded by the City that is not disposed of as *rubbish*.

"rubbish" means any item that, in the opinion of the Manager or City staff:

- (a) is damaged, soiled, manufactured for single use, or perishable to the extent that it cannot reasonably be used;
- (b) contains or appears to contain a noxious or hazardous substance; or
- (c) has negligible to no resale value.

"sharps" means hypodermic needles, broken glass, or other material with edges sharp enough to break or puncture skin.

"sidewalk" means the portion of a *street*, improved for the use of pedestrians, between the curb lines or the lateral lines of a roadway and the adjacent property lines.

"smoke" or *"smoking"* means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe, electronic cigarette, or other smoking equipment, that burns or vaporizes tobacco, marijuana or any other substance.

"street" includes *highway*, public road, bridge, viaduct, alley, right-of-way, *sidewalk*, and multi-use pathway, and any other way normally open to the use of the public but does not include a private right-of-way or private property.

"street garden" means a garden located on green areas in a *public place* such as a *boulevard*, street circle, or street-corner bulge, which is planted and maintained by community members for food or ornamental purposes.

"temporary 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 shelter made of cardboard, tarpaulin, canvas, nylon, polyester, plastics, metal, logs, brush, branches, or other materials or things.

"traffic control device" means a sign, signal, line, meter, marking, place, barrier or device consistent with the *Motor Vehicle Act*, RSBC 1996, c 318, as amended, placed or erected by authority of the City or a person authorized by Council under an enactment to exercise that authority.

"trail" means any passageway where the public has access or is invited for the purpose of providing for pedestrian traffic and human powered devices, excluding vehicles.

"*vehicle*" means a device in, upon, or by which, a person or thing is, or may be, transported or drawn upon a *street* or other land surface, except a device designed to be moved by human power, and excludes *off road vehicles*.

"*vicious dog*" means a dog with a known tendency, propensity, or disposition to attack animals or humans without provocation.

4. Application and Powers of Manager

4.1 This bylaw shall apply to every *park/facility* and *public place* within the boundaries of the City of Port Alberni.

4.2 Notwithstanding anything contained in this bylaw or any other bylaw of the City to the contrary, the following shall be exempt from the provisions of this bylaw:

(a) an officer, official, employee or agent of the City, while acting in the exercise and within the scope of their duties;

(b) a provincially designated arterial *highway*, as defined in the *Transportation Act*, SBC 2004, c 44, as amended; and

(c) land held by the Province of British Columbia as a park or public open place.

4.3 Council delegates their powers under Section 15 of the *Community Charter*, SBC 2003, c 26, as amended, to the Manager. As per Section 156 of the *Community Charter*, Council may overturn a delegated decision made under this section upon appeal or otherwise.

4.4 The Manager may:

(a) designate certain areas of a *park/facility* for a specific use and prescribe certain rules and regulations for the use;

(b) establish hours for the daily opening and closing of a *park/facility* and temporarily extend or shorten the set hours;

(c) issue written permission for any recreational activity, tournament, procession, march, drill, performance, ceremony, concert, gathering or meeting and may charge rent for the use of any *public place* or portion thereof as set down in the current City of Port Alberni Fees and Charges Bylaw, as amended;

(d) upon request, issue a permit for such uses listed in Subsection 4.4(c), such as a Facility Use Permit, which shall be displayed or produced upon request to any Bylaw Enforcement Officer or City staff;

(e) require a person to acquire and maintain insurance in an amount and form satisfactory to the City in respect of an activity upon or use of a *park/facility*;

- (f) design, construct, modify, and post signs in or around a *park/facility*; and
 - (g) place any restrictions and limits as deemed necessary.
- 4.5 The Manager shall not be obliged to issue a permit, and may amend, suspend, revoke, or refuse to issue such documentation to any person who has contravened any provision of a previous permit, this bylaw, or any other enactment.
- 4.6 The usage of a *public place* for a special event must comply with the requirements outlined in the City of Port Alberni Special Events Policy, including any updates, changes, or other relevant regulations.

5. Damage to Environment and Structures

- 5.1 Unless expressly approved by the Manager, a person must not damage or alter any *park/facility* through any of the following:
- (a) adding or depositing items to these spaces (painted rocks, fairy doors, etc.);
 - (b) disturb ground which is under repair, prepared for planting, newly seeded or in an area posted to that effect;
 - (c) destroy, damage, cut down, top, deface, remove, mark, or adorn any tree or other *natural park feature*;
 - (d) plant any tree, sapling, shrub, flower, or other vegetation, including any plant life or vegetation that is deemed to be a noxious weed under the *Weed Control Act*, RSBC 1996 c 487;
 - (e) gather *park/facility* wood, logs, branches, or other *natural park features*, for unauthorized purposes such as to collect firewood; and
 - (f) disturb any *natural park feature* purposely altered by the City and posted to that effect, such as, but not limited to, trees which have been cut down and left to naturally decay.
- 5.2 A person must not, in any *public place*:
- (a) cut, break, remove, cover, deface, alter, destroy or damage any:
 - (i) tree, sapling, shrub, plant, turf, flower, grass or other vegetation, soil, sand, gravel or wood;
 - (ii) seat, bench, table, light fixture, fence, gate, lock, screen, ornament, swing, or playground equipment of any kind, within any *park/facility* or on any *boulevard*;
 - (iii) structure, building or any real or personal property owned, controlled, or used

- by the City;
- (iv) *traffic control device*; and
- (v) City sign, notice, rule or regulation posted or affixed to anything in or on any *park/facility* or *boulevard*;

(b) foul, pollute, or *deposit* any substance, object, or matter in any fountain, lake, pool, pond, stream or other body of water;

(c) plug, tamper with, or alter any drains or water flow in any *park/facility*, such as a spray park; and

(d) damage or alter any *boulevard*, including any improvements made thereto.

6. Restricted Hours

6.1 Unless otherwise authorized under this bylaw, no person shall be in a *park/facility* between 10:00 p.m. on any one day and 5:00 a.m. on the following day, subject to restricted hours posted through signage or specified by the Manager.

7. Deposit of Waste

7.1 No person shall *deposit* or cause to be deposited any *litter* in a *public place*, except in receptacles approved by the City for that purpose.

7.2 No person shall *deposit* or cause to be deposited any *litter* on any *street* within the City.

7.3 No person shall deposit household or business garbage in City receptacles.

7.4 Any person who acts contrary to Subsections 7.1, 7.2 or 7.3, or who directs, supervises or aids another person in acting contrary to Subsections 7.1, 7.2 or 7.3, shall pay all costs incurred by the City in restoring the site to the state it was in before the contravention.

7.5 For the purposes of Subsections 7.1, 7.2 and 7.3, each separate discarded item shall constitute a separate offence.

8. Conducting Business

8.1 Unless a person has the written authorization of the Manager and a valid permit allowing the activity, they must not, in a *public place*:

- (a) sell, barter, or display for sale any goods, services, or materials, including food and refreshments;

- (b) conduct any business or commercial activity, whether paid for in advance of during, or after the activity;
 - (c) post, paint or affix any advertisement, bill, poster, picture, matter or thing, except on a public bulletin board provided for that purpose by the City; or
 - (d) operate or station any commercial vehicle or any motor vehicle displaying advertising or equipped with a public address system for the purpose of advertising, promoting, demonstrating, or attracting attention.
- 8.2 A person may conduct commercial activities, such as selling food, beverages, or products, at public events or gatherings only with:
- (a) explicit written permission from the Manager, and
 - (b) full compliance with all current permitting and licensing requirements for *mobile vendors* as outlined in the City of Port Alberni Mobile Vending Policy, including any updates, changes, or other relevant regulations.
- 8.3 A person must not serve or sell any *liquor* at an event at a *public place*, unless it is within a designated licensed area, possessed under and in accordance with a Special Event Permit (SEP) issued by the Province of British Columbia, and with written permission from Council.

9. Fire Safety and Smoking

- 9.1 No person shall kindle, light, maintain, use, build or attempt to build a *campfire*, fire pit, or any form of open-air burning, or engage in any form of wood burning, in a manner that contravenes:
- (a) a *campfire ban* or any other provincial fire restriction that is in effect under the *Wildfire Act*, SBC 2004, c 31, at any location in a City *park/facility* outside the boundaries of the City;
 - (b) a Suspension of Outdoor Burning as ordered by the Fire Chief or their designate, at any location in a *park/facility* within the boundaries of the City; or
 - (c) any applicable requirements under the City of Port Alberni Fire Control Bylaw, as amended or replaced.
- 9.2 The prohibition in Subsection 9.1 does not apply to a person operating an *outdoor stove* or portable *campfire apparatus* which meets the following requirements:
- (a) CSA-approved or ULC-approved;

- (b) the flame length does not exceed fifteen (15) centimetres;
 - (c) used in accordance with the manufacturer's instructions;
 - (d) powered by liquid fuel or gaseous fuel ;
 - (e) kept a minimum of one (1) meter away from the nearest structure, property line, tree or other *combustible material*;
 - (f) used under constant supervision; and
 - (g) if the cooking fire is positioned on the ground, placed on a non-combustible surface and surrounded by an adequate *fuel break* that is free of *combustible materials*.
- 9.3 Subject to Subsection 9.1, a person is permitted to light or make use of a *campfire* in a *park/facility* only in strict accordance with the following conditions:
- (a) authorized either by signage or Manager permission for such use;
 - (b) not ignited during strong wind conditions;
 - (c) kept a reasonable distance away from combustible materials;
 - (d) if not in a designated, City-installed, campfire ring, a *fuel break* is maintained by sufficiently clearing away *combustible material* down to the mineral soil; and
 - (e) equipped with a hand tool (such as a shovel) or at least eight (8) litres of water capable of extinguishing the fire.
- 9.4 No person shall, in any *park/facility*, leave a fire without ensuring the remaining embers are extinguished and the ashes are cold to the touch.
- 9.5 No person shall *smoke* in a *public place* or on a *street*, unless that person is on a portion of *sidewalk* that is more than:
- (a) twenty (20) metres from any *park/facility*, which includes *public places* such as beaches, trails, playing fields, docks, piers, heritage sites, public recreation centres, arenas, swimming pools, City Hall and other City properties open to the public, except in a private vehicle;
 - (b) seven (7) metres from playgrounds or outdoor playing facilities; and
 - (c) seven (7) metres from any intersection or crosswalk, transit shelter, transit sign,

customer service area (patio), door, window or air intake.

- 9.6 The ceremonial use of fire or tobacco in a traditional First Nation cultural practice, which may otherwise violate Subsections 9.1, 9.3, and 9.5 of this bylaw and the Fire Control Bylaw, as amended, may be permitted with written approval from the Fire Department.
- 9.7 No person shall discard or place on the ground, or on or in any *combustible material*, any lighted item including a match, cigarette, cigar, pipe, e-cigarette, vapour equipment or other lighted smoking equipment, burning tobacco, cannabis, or other weed or substances.
- 9.8 No person shall possess or use any explosive or explosive substance, unless authorized under the *Explosives Act*, RSC 1985 c E-17.
- 9.9 A temporary shelter as permitted under Subsection 12.4 must not contain any unattended campfire, lighted candles, propane lanterns or stoves, or other similar devices which would contravene the Fire Control Bylaw.

10. Animals

- 10.1 In a *public place*, every *dog owner* must:
- (a) ensure that the dog does not enter any *public place* where a City sign specifically forbids dogs, unless the dog is a certified service animal;
 - (b) keep the dog on a leash, chain or tether not exceeding 183 centimetres (six feet) in length, subject to Subsection 10.2;
 - (c) ensure the dog is under the immediate care and control of a competent person at all times;
 - (d) immediately remove any excrement/feces and dispose of bags containing pet waste in a sanitary manner, unless the person is legally visually impaired;
 - (e) not permit or allow the dog to damage property or vegetation;
 - (f) not permit or allow the dog to howl or bark excessively;
 - (g) ensure the dog is not present if it is a *vicious dog*.
- 10.2 In a designated off-leash *dog park*, a *dog owner* (including a *commercial dog walker*) may allow their dog to be at large, provided they follow Subsection 10.1 and meet the following additional requirements:
- (a) the dog is closely supervised at all times, and visual sight and verbal control of the

dog is maintained at all times;

- (b) the dog is legally licensed, wears a current license tag, and has up-to-date vaccinations as defined by the *Canadian Veterinary Medical Association*;
- (c) the maximum allowance of four (4) dogs per person is not exceeded;
- (d) the dog is securely kept on a leash when entering and exiting an off-leash *dog park*, and the *dog owner* possesses a leash to control the dog at all times;
- (e) the dog does not disturb other *dog park* users;
- (f) the *dog owner* takes immediate physical control and promptly removes the dog at the first sign of aggression;
- (g) the *dog owner* is personally and solely liable for any damages or injury inflicted by their dog upon another dog or human; and
- (h) the *dog owner* reviews and obeys all posted rules and regulations on signs.

10.3 No person shall feed any wild animal or fowl.

10.4 Only persons with appropriate licenses shall disturb or catch a bird, animal, or fish.

10.5 No person shall ride, drive or herd any animal or livestock.

10.6 No person shall cause or permit any animal to roam at large, subject to Subsection 10.2.

10.7 No person shall cause or permit any animal to create a nuisance or harm another animal or an individual.

10.8 No person shall ride or drive a horse or other animal into or permit such horse or other animal to enter into a *public place*, except on a designated area where a City sign expressly authorizes their entry, or with written permission of the Manager.

10.9 No person shall permit any dogs or other animals, owned or handled by the person, to enter waterpark or spray park .

11. Vehicles, Parking, and Traffic Control

11.1 Unless expressly approved by the Manager, a person in a *park/facility* must not drive or propel any *vehicle*:

- (a) on a path not designated for such use;

- (b) where a *traffic control device* prohibits such use;
 - (c) on any path allotted for pedestrian traffic only, provided however, that bicycles, baby strollers, and *mobility aids* may be used on *sidewalks* in such manner as not to interfere with the free use of such *sidewalks* by pedestrians;
 - (d) over any grass area or flower bed;
 - (e) over any sports field;
 - (f) on a surface that is not a hard-surfaced portion of established roads; and
 - (g) in any direction other than the direction designated by a *traffic control device*.
- 11.2 Unless expressly approved by the Manager, a person in a *park/facility* must not park, stop, or leave standing any *vehicle*:
- (a) in contravention of any *traffic control device* forbidding or regulating the parking of *vehicles*;
 - (b) in a parking place where a *traffic control device* indicates that place is reserved for a particular class of *vehicle*, except for that particular class of *vehicle*;
 - (c) on any grass, turf, field, pathway, or walkway located;
 - (d) within five (5) metres of a fire hydrant or adjacent to a curb that is painted yellow.
 - (e) without displaying a valid and current license plate issued for that *vehicle*, other than a maintenance vehicle or equipment operated by City staff that does not leave the *park/facility*; and
 - (f) in an area, lot, or stall designated as pay parking, accessibility parking, or service or emergency vehicle parking, except in accordance with a valid permit issued by the Manager or a valid parking permit for persons with disabilities, or unless the *vehicle* is a service vehicle or emergency vehicle.
- 11.3 A person must not allow or permit a *vehicle* to obstruct traffic circulation on a public way, such as the entrance to a parking lot.
- 11.4 No person shall grease, wash, clean, or repair a *vehicle*, except where a vehicle is parked and an emergency repair to that vehicle is necessary.
- 11.5 No person shall operate a *vehicle* for the primary purpose of voicing or broadcasting or displaying advertisements of any kind without first obtaining the written permission of the Manager, as set out in Subsection 8.1(d).

- 11.6 Without limiting the generality of any other provision of this bylaw, the Manager or a Bylaw Enforcement Officer is authorized to issue a ticket or order the seizure or towing of any vehicle unlawfully occupying any area of a *park/facility*.

12. Camping and Erecting Portable Structures

- 12.1 Subject to Subsection 12.4, no person may place, erect, construct, or build, or cause to be place, erected, constructed, or built, in or on any *public place* any, tent, building, structure, shelter, pavilion, or other construction whatsoever without the prior written permission of the Manager.
- 12.2 No person shall place, erect, construct, build, establish or set up a *campsite* in a *public place* unless prior written permission is obtained from the Manager.
- 12.3 No person commits an offence under Subsection 12.2 by bringing *camping equipment* into a *public place* that is used for a picnic or while the person takes temporary, but not overnight, respite in a *public place* other than a parkade, or where authorized by a permit issued under Subsection 4.4(d).
- 12.4 Notwithstanding Subsection 12.1, a person experiencing homelessness may only for the purposes of sheltering overnight in a designated park, and without the prior written permission of the Manager, place, erect and occupy a temporary shelter outside of the prohibited locations designated in Schedule "A" to this Bylaw and with the temporary shelter being a size of not more than nine (9) square metres (3m x 3m) and with one (1) metre clearance on all sides, between dusk on one day and 7:00 a.m. of the following day if there are no reasonable alternative accommodations available for that person within the City and provided that the person experiencing homelessness:
- (a) must not place, erect or occupy the temporary shelter:
 - (i) that contravenes the permitted size for a temporary shelter as described in this Section 12.4 of the Bylaw;
 - (ii) that impedes public use or access to a park or facility;
 - (iii) that is tied or affixed to a building, structure, park improvement, tree or flora;
 - (iv) until dusk. on one day, must remove the temporary shelter, all personal possessions, litter and debris prior to 7:00 a.m. of the following day unless the Manager has provided their consent to temporary daytime sheltering under Section 12.6 of the Bylaw;
 - (v) in a park or park location that is designated a prohibited location for overnight sheltering as prescribed in Schedule "A";

- (vi) on beaches, parking lots, trails, walking paths, bridges, roadways, natural areas, sports fields, gazebos, public displays, picnic shelters, washrooms and docks or other waterfront facilities;
- (vii) within ten (10) metres of an established trail or sidewalk, or as to obstruct a street, sidewalk or parking lot or interfere with the lawful use of a street, sidewalk or parking lot by a person or vehicle;
- (viii) within twenty (20) metres of any playground, community garden, sports field, tennis court, picnic shelter, gazebo, stage, water park, skate park, parking lot, public washroom, ornamental garden, horticultural display, established trail, sidewalk or private property;
- (ix) within fifty (50) metres of any area of a *park/facility* that has been designated for an event or activity under a valid permit issued by the City;
- (x) in an environmentally or culturally sensitive area, community garden or horticultural area; and
- (xi) as to hinder or interrupt the ability of City staff or contractors to perform their work.

(b) must not:

- (i) leave the temporary shelter or any personal property unattended;
- (ii) leave or discard any *litter, sharps, drug paraphernalia*, alcohol containers, hazardous objects, or any similar item in a *public place*;
- (iii) cause or permit their belongings to be left, stored or discarded outside of the temporary shelter;
- (iv) foul, pollute or deposit any injurious, noxious or offensive substance, object or matter in any area of the park;
- (v) urinate or defecate in or on any park except in a provided public or private toilet;
- (vi) operate any amplifying system or loudspeaker or create unreasonable noise or disturbance;
- (vii) destroy, damage, cut down, deface or remove any tree or flora;
- (viii) destroy, damage, deface or remove any building, fence, bench, sign, ornament, structure, log, wood, branches, or other material or thing;

- (ix) ignite any fire or cause or permit any fire to be ignited in the park or discard any burning or flammable substance or object in the park; and
 - (x) use the temporary shelter to sell goods or conduct business;
- (c) must comply with all other provisions of this bylaw, particularly Subsection 9.9 regarding fire safety within temporary shelters.

12.5 The Manager, a Peace Officer, a Bylaw Enforcement Officer, or any other authorized individual, is authorized to remove and impound from a *public place* any *portable structures, camping equipment* forming part of a temporary shelter, personal belongings, or any other items that violate this bylaw, and has the discretion to take the following actions:

- (a) prepare an itemized list of the retained property, hold and store the retained property at a designated *property return facility* and return or dispose of the retained property on the following conditions:
 - (i) the owner of the *retained property* may attend at the property return facility during regular business hours to claim and request the return of their property; or
 - (ii) if not claimed within a hold period of at least thirty (30) days, the City may take steps to dispose of the retained property upon making efforts to:
 - i. identify the owner of the retained property;
 - ii. deliver written notice to the owner of the retained property advising that the retained property:
 - 1. is in the City's possession;
 - 2. can be claimed at the property return facility;
 - 3. the City will be disposing of the retained property if it remains unclaimed by the date specified in the written notice; and
 - 4. that the person will not be entitled to compensation from the City for the disposal of the retained property if it is not claimed prior to the date of disposal provided in the notice.

12.6 Where a temporary shelter has not been removed from a park or area as required by this Bylaw or has been placed, erected or occupied in a park or area in which temporary shelters are prohibited then the Manager or their agents may issue a notice to the

occupant of the temporary shelter advising that they are in violation of the Bylaw and are required to remove the temporary shelter within the timeline set out in the notice.

- 12.7 Where the temporary shelter is not removed in the time prescribed in the notice or where the temporary shelter has been abandoned then the Manager, a Peace Officer, a Bylaw Enforcement Officer, or any other authorized individual may remove the temporary shelter and any personal property found within the temporary shelter from the park, prepare an itemized list of the items and impound these items at a designated *property return facility* pursuant to Section 12.5.
- 12.8 The Manager may for health and safety reasons or for park maintenance order temporary shelters placed, erected or occupied in parks and areas other than the prohibited locations in Schedule "A" be relocated to another designated park or area.
- 12.9 The Manager may on a temporary basis designate an area acceptable for temporary daytime sheltering in one of the prohibited locations prescribed in Schedule "A".

13. Safe Use of Public Places and Public Nuisances

- 13.1 While in a *public place*, a person must not:
- (a) fight or engage in any other course of conduct with another person which may cause or be likely to cause injury, harm or danger to a person;
 - (b) possess or use any firearm or weapon as defined by Section 2 of the *Criminal Code*, RSC, 1985, c C-46, as amended, including an air gun, air rifle, air pistol, spring gun, or archery equipment, except for a Police Officer or Bylaw Enforcement Officer in the performance of their duty;
 - (c) possess or consume any *liquor*, unless the alcoholic beverage is approved by the Manager and possessed under and in accordance with a license, authorization, or permit issued under the *Liquor Control and Licensing Act*, SBC 2015, c 19, as amended;
 - (d) be intoxicated by alcohol or other substance so as to be unresponsive to verbal communication or unable to care for themselves;
 - (e) display, possess, or use a *controlled substance*;
 - (f) display, possess, or use *sharps* or *drug paraphernalia* for the purposes of storing, transporting or using a *controlled substance*;
 - (g) use obscene or profane language;
 - (h) gamble or wager, unless authorized by a rental agreement and the Gaming Policy

and Enforcement Branch of British Columbia;

- (i) undress, except in places specifically provided for such purposes;
- (j) contravene any provision of the *Criminal Code*, RSC, 1985, c C-46, as amended, concerning indecent acts, indecent exhibition, or public nudity, in any *public place* or on private property while exposed to public view;
- (k) urinate or defecate, except in a toilet facility;
- (l) paint, write, or place any unauthorized writing or graffiti on any wall, fence or other structure;
- (m) carry on or permit an activity of a hazardous or unsafe nature which may endanger life, safety, health, property or public peace;
- (n) dive or jump from a diving tower, pier or wharf except from a diving board, platform or diving tower constructed by the City for that purpose and where this is permitted by a City sign;
- (o) fish in any area posted to prohibit fishing;
- (p) use any boat, motorboat, water sled, water skis, power saw or other thing on or in the vicinity of any beach that will endanger, disturb, or interfere with the free use by any person of any beach or of the water adjacent to any beach;
- (q) engage in any game, sport, or activity except in areas designated for any such specified activities, such as:
 - (i) shoot an arrow or practice archery;
 - (ii) throw axes, knives or boomerangs;
 - (iii) ski, snowboard, skibob, or sled;
 - (iv) operate any remote-controlled or other powered device, including model versions of aircrafts, boats, rockets, vehicles, or drones;
- (r) be on the roof of any building, or climb, walk or sit upon any wall, fence or other structure, unless explicitly authorized by the Manager;
- (s) lie horizontally across a bench on public property so as to interfere with the ability of another person to use the bench, unless in medical distress; and
- (t) create a nuisance by interfering with an approved event or rental occurring within an area of a *public place* set aside for specific use through a permit issued under the authority of the Manager.

13.2 No person shall make or cause to be made noise, vibration, odor, dust, illumination or

undertake any activity that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in a *public place*.

- 13.3 Without limiting Subsection 13.2, a person must not play or operate electronic equipment or an instrument or other apparatus for the amplification of sound in a *public place*, such as a loudspeaker, in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in a *public place*, without first obtaining written permission from the Manager.
- 13.4 No person may obstruct a Bylaw Enforcement Officer or any employee of the City in the fulfillment of their duties.

14. Restriction of Access

- 14.1 A Bylaw Enforcement Officer may direct a person to leave a *public place* if that person is acting in contravention of this bylaw, or any other enactment.
- 14.2 Every person directed to leave a *public place* must proceed immediately to the nearest exit point.

15. Offence and Penalty

- 15.1 Any person who causes, permits or allows anything to be done in contravention of this bylaw, or who neglects or fails to do anything required to be done pursuant to this bylaw, commits an offence against this bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter*, SBC 2003, c 26, as amended, and the *Offence Act*, RSBC 1996, c 338, as amended.
- 15.2 Where an offence under this bylaw is of a continuing nature, each day that the offence continues, or is permitted to exist, shall constitute a separate offence.
- 15.3 A court may also make orders in accordance with Section 263.1 of the *Community Charter* regarding additional sentencing powers in relation to *Offence Act* prosecutions, as amended.
- 15.4 Subsection 15.1 shall not prevent the City, or an authorized person on behalf of the City, from issuing and enforcing a ticket under the City of Port Alberni Bylaw Offence Notice Enforcement Bylaw, as amended.
- 15.5 Nothing in this bylaw limits the City from utilizing any other remedy that would otherwise be available to the City at law, including remedies available through prosecution or civil remedies, including injunction.

16. Severability


- 16.1 If a section, subsection, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

READ A FIRST TIME this 10th day of February, 2025.


READ A SECOND TIME this 10th day of February, 2025.

READ A THIRD TIME this 10th day of February, 2025.

ADOPTED this 24th day of February, 2025.



Mayor



Corporate Officer

Schedule A

Prohibited Locations and Amenity Areas

Locations

- Alberni Valley Multiplex and Glenwood Centre, with extent of location as shown within heavy line on Schedule A1
- City Hall, with extent of location as shown within heavy line on Schedule A2
- Echo Centre, with extent of location as shown within heavy line on Schedule A3
- Esso Beach and Harbour Quay, with extent of location as shown within heavy line on Schedule A4
- Millstone Park and Victoria Quay, with extent of location as shown within heavy line on Schedule A5
- Somass lands, with extent of location as shown within heavy line on Schedule A6

Amenity Areas

No temporary overnight shelter on or within 20 metres of:

- Playgrounds
- Spray parks
- Sport courts
- Sports fields
- Skateboard parks
- Washroom facilities
- Picnic shelters or gazebos
- Parks, recreational and cultural facilities

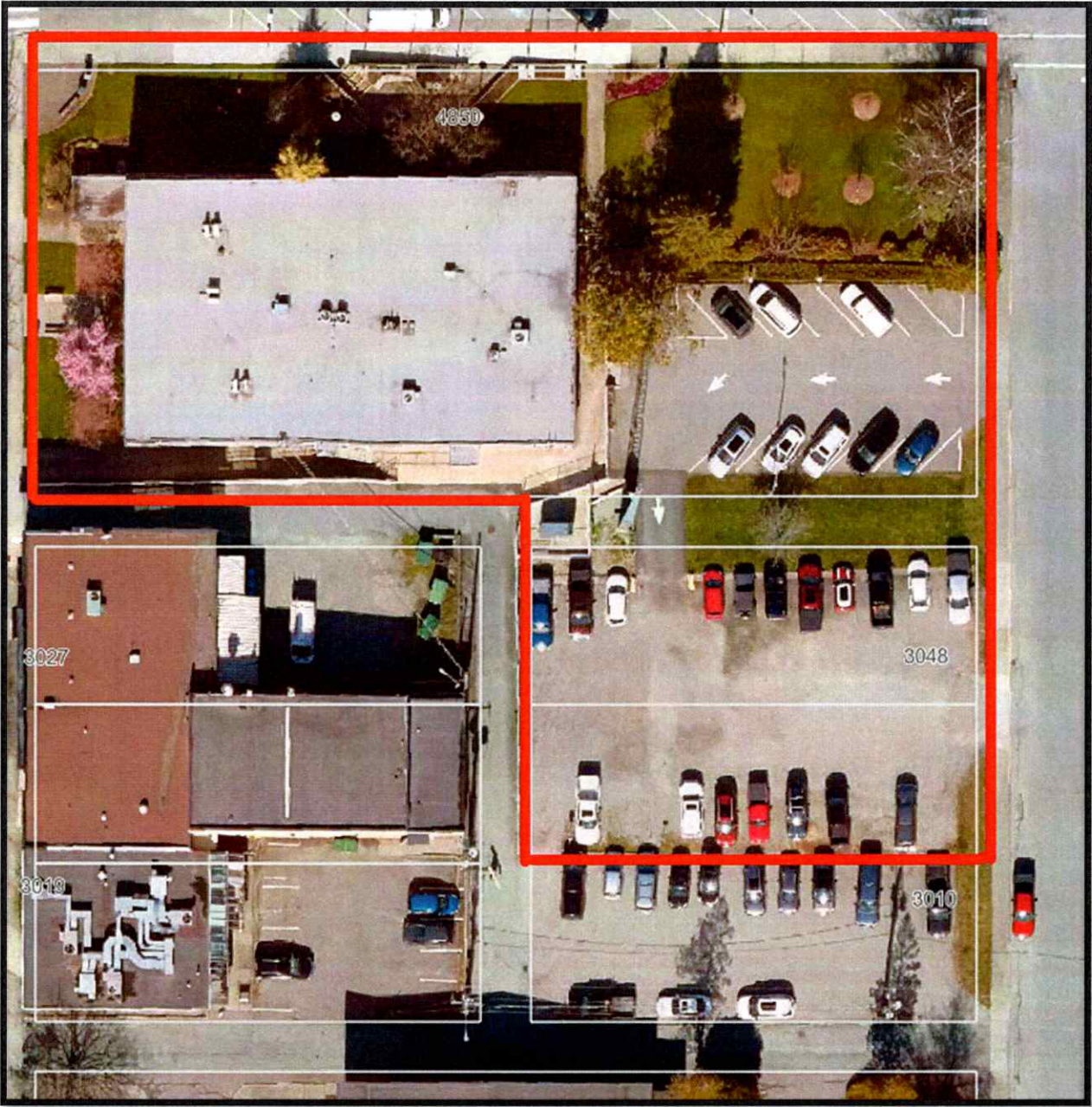
No temporary overnight shelter on:

- Pathways, bridges or docks
- Environmentally sensitive areas
- Sidewalks, medians and boulevards
- Public squares or gathering spaces
- Horticultural displays or gardens

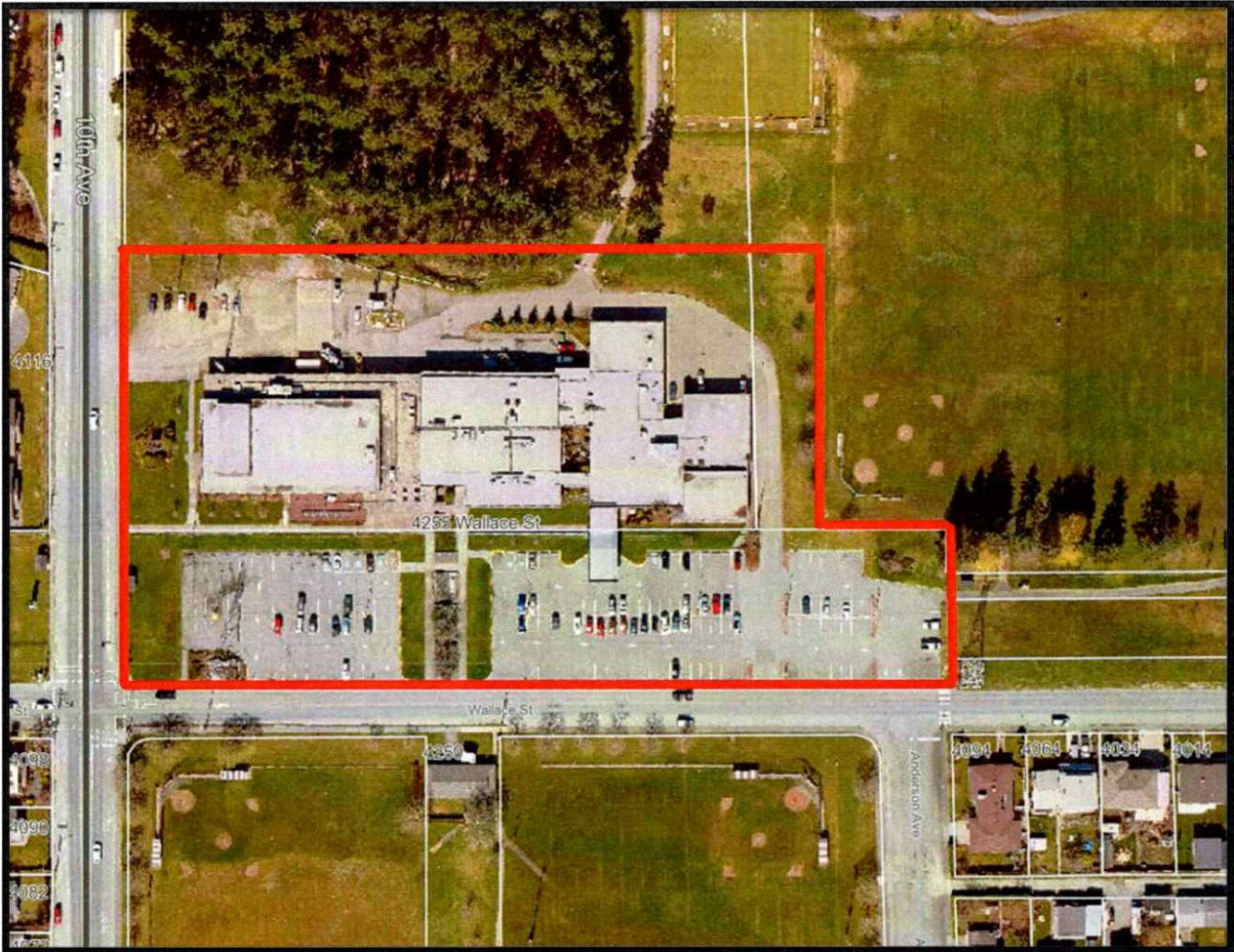
Schedule A1 – Alberni Valley Multiplex and Glenwood Centre



Schedule A2 – City Hall



Schedule A3 – Echo Centre



Schedule A4 – Esso Beach and Harbour Quay



Schedule A5 – Millstone Park and Victoria Quay



Schedule A6 – Somass Lands

