



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Music Together at Wade Park</b>		
<b>Author</b>	<b>Karla Duarte</b>	<b>Reviewed By:</b>	<b>Peter DeJong</b>
<b>Date</b>	<b>June 14, 2021</b>	<b>Version</b>	
<b>Issued for</b>	<b>On Table – June 15 regular Council meeting</b>		

### **Recommendation:**

THAT Council authorizes the use of Wade Park for the Music Together program to Tanya Cosgrave each Thursday from 9:30a.m. – 11:30a.m. between June 24, 2021 to August 5, 2021, as per Lions Bay Parks Regulations Bylaw No. 448, 2012.

### **Attachments:**

(1) Lions Bay Parks Regulations Bylaw No. 448, 2012

### **Key Information:**

Tanya Cosgrave, organizer of the Music Together program has requested the use of Wade Park to implement the program every Thursday between June 24 to August 5, 2021 (no class on July 1, 2021) from 9:30am to 11:30am. Ms. Cosgrave will be extending her insurance, as before.

Bylaw No. 448, 2012 section 7.1 states that “7.1 No person shall sell, exchange, barter or expose or display for sale any goods, offer any service or carry on any commercial undertaking whatsoever in a park or community facility, except as part of a community event, or as authorized under the Village Filming policy, or as specifically authorized by Council for specific locations, dates and times.” As such, it is recommended that Council authorizes the use of Wade Park via resolution.

### **Options:**

- (1) Approve the resolution above.
- (2) Provide alternate direction to staff.

**Preferred Option:** Option 1 is the preferred option.



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**Legal Considerations:** Authorization is required by Council for use of the park, as per Bylaw No. 448, 2012.

**Follow Up Action:** Staff will coordinate with Ms. Cosgrave regarding the outcome and particulars of the event.



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# Lions Bay Parks Regulations

## Bylaw No. 448, 2012

### Office Consolidation

This document is an office consolidation of Lions Bay Parks Regulation Bylaw No. 448, 2012 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Lions Bay Parks Regulation Bylaw No. 448, 2012, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: [admin@lionsbay.ca](mailto:admin@lionsbay.ca)

#### List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
9	All	Repeals bylaw	July 6, 1971
247	All	Repeals bylaw	August 14, 1995
316	All	Repeals bylaw	December 4, 2000
414	All	Repeals bylaw	July 21, 2009
439	All	Repeals bylaw	March 5, 2012
527	2(a) 2(b) 2(c) 2(d)	Amends title and citation name of Bylaw Amends the definition of Park Amends list of repealed bylaws Adds the ability for Council to authorize sale of goods in Parks	July 4, 2017

	2(e)	Adds the ability for Council to authorize motor vehicles in Parks	
	2(f)	Adds the ability for Council to authorize extended hours for Parks	
	2(g)	Provides for boat storage facility, fees & seizure/sale enforcement	
	2(h)	Provides for enforcement under Bylaw No. 385	
565	3.1	Replaces s.12.3.2 to restrict the flying of gliders and motor driven aircrafts, including drones	June 18, 2019
576	2(a)	Amends the citation of the bylaw	March 26, 2020
	2(b)	Amends the definition of Nuisance	
	2(c)	Amends the definition of Organized Activity	
	2(d)	Adds Chief Administrative Officer to the definition of Village Manager	
	2(e)	Amends the heading	
	2(f)	Provides for further enforcement in parks and community facilities	
	2(g)	Expands prohibition dealing with remaining in a park or facility that is closed or restricted	
	2(h)	Amends prohibition dealing with behavior or conduct which creates/contributes to a nuisance	

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## Bylaw No. 448, 2012

### LIONS BAY PARKS REGULATIONS BYLAW

#### **A bylaw to make rules and regulations governing the management, maintenance, improvement, operation, control and use of parks**

The Council of the **Village** of **Lions Bay** enacts as follows:

#### **Part 1 Citation**

1.1 This bylaw may be cited as Lions Bay Parks Regulations Bylaw No. 448, 2012.

[Amended by Bylaw No. 527]

[Amended by Bylaw No. 576]

#### **Part 2 Severability**

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

#### **Part 3 Previous Bylaw Repeal**

3.1 **Parks** Regulation Bylaw No. 9, and the amendment bylaws Nos. 247, 316, 414 and 439 are hereby repealed.

[Amended by Bylaw No. 527]

#### **Part 4 Definitions**

In this bylaw:

**“Beach”** means any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the **beach** environment including areas of rock, sand, pebbles, shell, shingle or coastal vegetation.

**“Enforcement officer”** means:

1. every person designated by Council by name of office or otherwise as an **enforcement officer** for the purposes of administering and enforcing this Bylaw; and
2. a peace officer, including every officer of the Royal Canadian Mounted Police.

**“Community facility”** means a building, recreation or other municipal facility intended for use by the public, including but not limited to, the Village Hall, tennis courts, play structures, washrooms, picnic shelters and other recreation facilities located in a **Park** or on any other land which the **Village** owns or controls by means of a lease, license or other legal instrument, that is

intended for athletic, social or recreational use by members of the community.

**“Fire Chief”** means the person appointed to such position from time to time or other persons authorized to carry out the duties ascribed to the said **Fire Chief**.

**“Fire season”** means the time of year declared as “fire season” by the Village Manager or designate.

**“Foreshore”** means any area within the Village along the shoreline between the high and low water marks.

**“Lions Bay Fire Rescue”** means the Fire Rescue Department of the Village of Lions Bay.

**“Manager Public Works”** means the person appointed to such position from time to time or other persons authorized by Council to carry out the duties ascribed to the said **Manager Public Works**.

**“Nuisance”** means any activity, conduct or condition occurring in a **park** which substantially and unreasonably interferes with a person’s use and enjoyment of the **park**, including any activity, conduct or condition which results in potential exposure to illness or injury to other persons in a **park**.

[Amended by Bylaw No. 576]

**“Organized activity”** means any activity which involves a group larger than 20 people and which constitutes a **nuisance** or limits general public access to a **park** or portion of the **park** or **community facility**, or any activity that involves instruction or training for a group larger than 20 people.

[Amended by Bylaw No. 576]

**“Park”** means a **park** or **parkland** or any real property or interest therein within the **Village** held or used for pleasure or recreation uses of the public and includes the land held under any lease, including the **foreshore** and land covered by water granted to the **Village** by her Majesty the Queen and designated W-2 under Zoning and Development Bylaw No. 520, 2017, and including the forest inside the Village boundary.

[Amended by Bylaw 527]

**“Vehicles”** means all conveyances for the carriage or transport of persons, passengers, goods or materials propelled by any mechanical device or other modes of power whatsoever and shall include bicycles and tricycles.

**“Village Manager”** means the **Village Manager** or Administrator or Chief Administrative Officer of the Village of Lions Bay, and also means the person appointed to the **Village Manager** or Administrator or Chief Administrative Officer position from time to time, or other persons authorized by Council to carry out the duties ascribed to the said **Village Manager** or Administrator or Chief Administrative Officer.

[Amended by Bylaw No. 576]

**“Village”** means the **Village of Lions Bay**.

## Part 5 Preservation of Features

- 5.1 No person shall cut, break, prune, damage, deface, tamper with, destroy, remove, apply graffiti to or burn anything in any **park** including, without limiting the generality of the foregoing, any building, structure, vegetation, court, fence, swing, notice, seat, bench, ornament, lamp post, turf or thing in or on any **park** or **community facility**.
- 5.2 No person shall molest, disturb, frighten injure, trap, harm, kill or snare any bird or animal in any **park**, with the exception that authorized **Village** staff may deal with nuisance animals or birds.
- 5.3 No person shall foul, pollute, or deposit any matter or thing or otherwise introduce any contaminant onto the land or into any stream, reservoir, creek, pond, ditch, pool or water within a **park** or **community facility**.
- 5.4 No person shall tamper with or discharge or cause to be let out, any water from any reservoir, stream, pond, pool or hydrant in or on any **park**.
- 5.5 No person shall climb, walk or sit upon a fence, structure or piece of equipment in any **park** or **community facility**, unless the same is designed and intended for such purpose.
- 5.6 No person shall deposit or dump any garbage, glass, crockery, paper, rubbish, litter, wood, waste or other material whether liquid or solid in or on any **park** or **community facility**, except in receptacles provided there for such purpose and then only if there is space in the receptacle for such deposit.
- 5.7 No person shall dispose of waste generated outside a **park** or **community facility** by depositing the waste in a waste receptacle or anywhere else inside any **park** or **community facility**.

## **Part 6 Fires and Fireworks**

- 6.1 No person except members of **Lions Bay Fire Rescue**, acting upon authorization of the Village for community events, shall discharge any fireworks, combustible or explosive matter in a **Park** or **community facility**.
- 6.2 No person except members of **Lions Bay Fire Rescue**, acting upon authorization of the Village for community events, shall cause, permit or allow a fire to burn in a **park** or **community facility**
- 6.3 No person shall use a charcoal or propane fire barbeque or hibachi in any **Lions Bay park** except in Lions Bay **Beach Park** and Kelvin Grove **Beach Park**.
- 6.4 No person shall dispose of used embers, coals or by-products of privately-owned barbecues on municipal property.
- 6.5 No person shall place or throw any lighted match, cigar, cigarette or any burning substance or thing in or on any **park**. The **Fire Chief** may prohibit smoking in any **park** or **Community facility** at any time by posting a no-smoking order at the entrance to the **park** or **community facility**.
- 6.6 The **Fire Chief** may declare, in writing, any **park** or trail, or part of a **park** or trail to be a fire risk. If the **Fire Chief** makes such a declaration, then no person except Village employees in the performance of their duties shall enter that trail or **park**.

## Part 7 Commercial Services and Activities

7.1 No person shall sell, exchange, barter or expose or display for sale any goods, offer any service or carry on any commercial undertaking whatsoever in a **park** or **community facility**, except as part of a community event, or as authorized under the **Village** Filming policy, or as specifically authorized by Council for specific locations, dates and times.

[Amended by Bylaw No. 527]

7.2 No person shall post, paint, or affix any advertisement, bill, poster, handout, picture, matter 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 any **park**, or operate or station any motor **vehicle** displaying advertising or equipped with a public address system in a **park** or **community facility** for the purpose of advertising, promoting, demonstration or attracting attention. This section shall not apply to persons supporting a community event and to **Village** employees acting in the performance of their duties, or in support of community events.

7.3 No person shall operate or use any amplifying system or loudspeaker in or on any **park**. This section shall not apply to persons supporting a community event and to **Village** employees acting in the performance of their duties, or in support of community events.

## Part 8 Community Facilities Rental

8.1 No person or group shall use a **park**, or any portion of a **park**, or a **community facility**, for an organized sport, **organized activity**, special event, ceremony, or ancillary activity unless that person has notified the Village office to ascertain whether a valid **Community Facilities** Rental contract is required, and has obtained such a contract if it is required. Fees, requirements and guidelines used shall be those established in the Recreation Operations Manual approved by **Council**.

## Part 9 Motor Vehicles, Devices and Machinery

9.1 No person shall use any motorized boat, water sled, water skis or other water borne contrivance or thing propelled by a motor, for recreational purposes, within two hundred metres (200 m) of any **park** or **beach**. Boats accessing an anchor buoy are exempted from this provision, but must proceed at the boat's dead slow speed.

9.2 With the exception of a **Lions Bay enforcement officer** and other Village staff, no person shall drive or park a motorized **vehicle**, in any **park**, or use any motorized devices or machinery in any **park**, except as specifically authorized by Council for specific locations, dates and times.

[Amended by Bylaw No. 527]

9.3 **The Village Manager** or an **enforcement officer** may remove, or cause to be removed any unauthorized motor **vehicles**, devices or machinery from any **park**.

## Part 10 Hours and Closures or Restrictions of Public Use of Parks

[Amended by Bylaw No. 576]



- 10.1 No person, except authorized **Village** personnel, shall enter or remain within any **park** for any purpose whatsoever during the hours when the **park** is closed as indicated by posted notice, or where no hours are posted, between 10:00 pm and 8.00 a.m., except in the case of a community event or as specifically authorized by Council.

[Amended by Bylaw No. 527]

- 10.2 The **Village Manager** may, at any time, by written order posted at the **park** or **community facility**, close or restrict any **park** or **community facility**, or part thereof, to the use of the Public, or restrict the number of persons in the park at any given time, or the hours of opening and closing of any **park** or **community facility** if, in the **Village Manager's** opinion, such closure or restriction is necessary to prevent or assist the prevention of a breach of the peace or threat thereto, or other violation of provincial or federal law or public health order, or to protect members of the public from illness or injury from any cause, or injury or damage when works of maintenance or repair are being carried on by Municipal employees or contractors, or in the event of a natural disaster or possibility thereof.

[Amended by Bylaw No. 576]

- 10.3 No person shall enter or remain in any **park** or **community facility**, or portion thereof, which has been posted as closed to public access by the **Village Manager**, and no person shall exceed any restriction to public use of or access to any **park** or **community facility** posted by the **Village Manager**.

[Amended by Bylaw No. 576]

## Part 11 Behaviour and Conduct

- 11.1 No person shall by their activity, conduct or condition create or contribute to a **nuisance** in any **park** or **community facility**.

[Amended by Bylaw No. 576]

- 11.2 No person shall obstruct the lawful use and enjoyment of any **park** or **community facility** by any other person.

- 11.3 No person may refuse to comply with the direction of any **enforcement officer**.

- 11.4 No person shall obstruct or delay, or cause to be obstructed or delayed, any official, employee, agent, **enforcement officer**, or contractor of the **Village** in the exercise of any of lawful duties.

- 11.5 No person shall urinate or defecate in a **park**, except in a **park** washroom

- 11.6 No person shall smoke in any park or trailway.

- 11.7 No person shall play amplified music in any park, or public trail, or other way open to public use, except as permitted under **Part 8 – Community Facilities Rental**

## Part 12 Permitted Uses

- 12.1 No person shall store boats, canoes, kayaks, trailers or other watercraft or things, on a **beach** or **foreshore** in any **park**.

12.2 No person shall erect any tent, building, shelter or other structure or works, sleep overnight, or occupy a **vehicle**, trailer or camper for overnight camping, temporary or permanent, in or on any **park**.

12.3 No person shall do any of the following in any **park**:

1. play golf or strike a golf ball;
2. fly any motor driven glider or aircraft, including a drone;
3. shoot an arrow or practice archery; or
4. play or participate in paint-ball.

[Amended by Bylaw No. 565]

12.4 Storage Facilities

1. The Village is authorized to establish storage facilities for canoes, kayaks, and other non-motorized water craft within a **Park** or **Community Facility**;

2. The Village may charge a fee for this service in accordance with Fees Bylaw No. 497, as amended;

3. The Village Manager is authorized to create procedures and policies to administer the storage facility and associated fees and may seize any water craft or thing unlawfully occupying the storage facility;

4. The Village, through the Village Manager, may recover those fees from the owner of the water craft or thing, including by sale of the water craft or thing if the owner refuses to pay or cannot be identified after reasonable efforts and the Village relies on the powers granted under the *Community Charter* and the *Disposal of Property in Police Possession Regulation*."

[Amended by Bylaw No. 527]

### Part 13 Loss of Access Rights

13.1 Where the **Village Manager** or an **enforcement officer** is of the opinion that a person or group within a **park** or **community facility** is contravening any provisions of this or any other Bylaw, that person or group:

1. must cease contravening the provision of the Bylaw or other enactment;

2. may be required by the **Village Manager** or designate or an **enforcement officer** to leave the **park** or **community facility**;

3. may, on written notice from the **Village Manager** or designate, forfeit their right of access to the **park** and/or **community facility** for a period of time stipulated in writing by the **Village Manager**, but not to exceed 60 days.

### Part 14 Penalty and Enactment

14.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing

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anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,000, and is guilty of a separate offence each day that a violation continues or exists, unless the Village elects to proceed under the Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, in which case any violation of or failure to act under this bylaw shall constitute a bylaw contravention rather than an offence.”

[Amended by Bylaw No. 527]

READ A FIRST TIME on May 22<sup>nd</sup>, 2012

READ A SECOND TIME on May 22<sup>nd</sup>, 2012

READ A THIRD TIME on June 4<sup>th</sup>, 2012

ADOPTED by the **Council** on June 19<sup>th</sup>, 2012

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Mayor

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Acting Corporate Officer

Certified a true copy of  
Bylaw 448, 2012 as adopted

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Acting Corporate Officer