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**TO:** Regional Parks and Trails Select Committee    **MEETING:** November 5, 2019  
**FROM:** Yann Gagnon  
            Manager, Parks Services                                    **FILE:** 2019-006  
**SUBJECT:** Park Use Regulations Bylaw No. 1801, 2019

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## **RECOMMENDATIONS**

1. That the Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019 be introduced and read three times.
2. That the Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019 be adopted.

## **SUMMARY**

Proposed Bylaw 1801 introduces regulations that encompass homeless camping; a total smoking/vaping ban; cannabis consumption; off-road vehicle use; electric bicycle use; and aligns RDN fees for camping and special use events with rates comparable to those in other BC Parks.

Park Use Regulations Bylaw 1801 (Attachment 1) replaces and repeals Park Use Regulations Bylaw 1399, 2004 and 1399.01, 2009. By adopting the proposed Park Use Regulations Bylaw 1801, the Bylaw Notice Bylaw No. 1786, 2019 is amended by deleting Schedule 17 of that Bylaw and replacing it with the Park Use Regulations Bylaw 1801's schedule of penalties (Schedule D).

Other local governments' park use regulation bylaws were reviewed in the development of Bylaw 1801 to ensure it meets best practices pertaining to park use regulation, is in alignment with Federal and Provincial law and is relevant to the needs of the residents and guests of the RDN.

## **BACKGROUND**

The Parks Use Regulation Bylaw 1801 will apply to all regional and community parks and trails in the seven electoral areas. Through the Bylaw, the Board delegates authority to the Manager of Parks Services to set out rules and regulations for park use. This includes temporarily closing some or all of a park; controlling vehicular and non-vehicular passage within a park; restricting access to conservation zones within a park; and authorizing special use of a park.

In recent years, several municipal and regional district park use bylaws have been updated to address homeless camping in parks (Abbotsford 2016, District of North Cowichan 2017, Nanaimo 2019). In the absence of any applicable provincial law, a series of court decisions brought down over the last decade is being used as guide.

Bylaw 1801 reflects the general approach being taken, which is to limit homeless camping to parks and areas within parks where the use can be kept separate from designated conservation areas, facilities, including trails, parking areas, playgrounds, and neighboring residential properties.

Bylaw 1801 proposes that a homeless person may camp in a District park between 7:00 pm one day and 9:00 am the following day at which point the homeless person must vacate the park until at least 7:00 pm. In Bylaw 1981, homeless persons 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:

<b>Elector al Area</b>	<b>Park</b>		
<b>A</b>	Cedar Plaza	Cedar Skatepark	Thelma Griffith
<b>B</b>	Huxley	Malaspina Galleries	Rollo McClay
<b>C</b>	Meadow Drive	Extension Miners	
<b>E</b>	Blueback Drive	Es-hw Sme~nts	Jack Bagley
	Schooner Ridge	Beachcomber	Moorecroft
<b>F</b>	Errington	French Creek School	
<b>G</b>	Boulton Drive	Columbia Drive	Dalmation Drive
	Maple Lane	Neden Way	Stormwater
	Top Bridge	Little Qualicum Estuary	
<b>H</b>	Deep Bay Creek	Henry Morgan	Lions
	Wildwood Place		

### **Smoking in parks**

Bylaw 1801 introduces a total ban on smoking or vaping of cannabis, tobacco or any other product anywhere in any RDN park. This will offer a healthier and safer environment for park users. A total ban on smoking will also help in reducing fire risk in District parks.

### **Cannabis**

Bylaw 1801 treats cannabis like alcohol in that its consumption is only permitted at campsites in the RDN's campground parks. Cannabis consumption is distinguished from cannabis smoking or vaping. Bylaw 1801 introduces a total ban on smoking or vaping of cannabis.

### **Off-road vehicle use**

Bylaw 1801 introduces the possibility of permitting off-road vehicle (ORV) use in RDN parks. To take effect, signage permitting such use would need to be posted at the individual park.

For example, the management plan for the Little Qualicum River Regional Park contemplates allowing the use of ORV through the regional park to neighbouring Crown Lands where ORV use is permitted by the Province.

### **Electric Bicycle (EBike) use**

Bylaw 1801 permits the use of Ebikes on designated RDN park roads and trails where currently bicycle use is allowed, for example on the Parksville to Coombs Regional Trail.

### **Park permitting**

Bylaw 1801 schedule of fees and regulations for special use of parks introduces:

- A non-refundable application fee for complex events and application deadlines.
- Higher fees for commercial filming.
- Reduced fees for the delivery of commercial recreation services.
- Higher seasonal fees for camping at Horne Lake and Descanso Bay Regional Park campgrounds, comparable to other BC Parks fees.
- Higher fees for the boat launch at Horne Lake Regional Park, from \$5 to \$6 per launch.
- Reservation fees, similar to those collected in other BC Parks.

## **ALTERNATIVES**

1. Proceed with the introduction, reading and adoption of “Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019”.
2. Provide alternative direction.

## **FINANCIAL IMPLICATIONS**

The introduction of non-refundable application fees for commercial or complex applications and higher fees for commercial filming should contribute to a slight increase in revenue from special park use.

At Horne Lake Regional Park, higher seasonal fees for camping will result in a reduction in the amount of RDN subsidy provided to the park operator, which was \$16,730 for the 2018 season.

Below is a table showing the existing (black font) and proposed (red font) camping and boating camping fees.

<b>Proposed 2019 in red</b>			
<b>Camping and Boating Fees<sup>1</sup></b>			
<b>Horne Lake Regional Park</b>			
<b>Reservation fee: \$6 per night, maximum \$18</b>			
<b>Camping Fees</b>			
<b>Regular Sites</b> (per site per night)	<b>Lakefront Sites</b>	<b>Shared Sites</b>	<b>Forested Sites</b>
High Season <sup>2</sup>	\$24.00	\$40.00	\$20.00
	<b>\$30.00</b>	<b>\$50.00</b>	<b>\$25.00</b>
Low Season <sup>3</sup>	\$10.00	\$10.00	\$10.00
	<b>\$10.00</b>	<b>\$10.00</b>	<b>\$10.00</b>
<b>Group Sites</b> (base fee per person)	<b>Youth Group</b>	<b>Regular Group</b>	
	\$2.50	\$5.00	
<b>Boat Launch: \$6/launch; \$50 for 10-launch pass</b>			
	<b>1 Launch</b>	<b>10 Launch pass</b>	
	\$5	\$50	
	<b>\$6</b>	<b>\$50</b>	
<b>Descanso Bay Regional Park</b>			
<b>Reservation fee: \$6 per night, maximum \$18</b>			
<b>Camping Fees</b>			
	<b>Large Sites</b>	<b>Small Sites</b>	
High Season <sup>2</sup>	\$17	\$17	
	<b>\$23</b>	<b>\$20</b>	
Low Season <sup>3</sup>	\$10.00	\$10.00	
	<b>\$10.00</b>	<b>\$10.00</b>	
<sup>1</sup> GST applies to all fees.			
Fees represent the maximum that may apply.			
Full or partial refunds may be available.			
<sup>2</sup> High season begins in April and ends in October.			
<sup>3</sup> Low season begins in November and ends in March.			

## Homeless camping

With the introduction of regulated homeless camping, readiness for additional homeless camping will also need to be taken into consideration. Homeless camping is generally not an issue in RDN Parks but if it were to be, there is currently no enforcement capacity to enforce these new park regulations.

It is recommended that additional enforcement resources be put in place to assist the RDN in assessing and managing the transition to regulated and enforced homeless camping. Funding for a 0.5 Full Time Equivalent (FTE) Bylaw Enforcement Officer would require an estimated \$44,000 per year.

Site clean-up costs caused by homeless camping will be monitored in 2020 to determine if future changes to park operating budgets need to be made. Expenditures related to site clean-up would be charged to the parks service area in which the clean-up takes place i.e. Regional Parks or Electoral Area Community Parks.

## STRATEGIC PLAN IMPLICATIONS

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations

Transportation and Transit - Provide opportunities for residents to move effectively through and around the Region.



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October 30, 2019

### Reviewed by:

- G. Garbutt, General Manager, Strategic and Community Development
- T. Osborne, General Manager, Recreation and Parks Services
- P. Carlyle, Chief Administrative Officer

### Attachment

1. Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019