

CITY OF LANGFORD

BYLAW 1812

A BYLAW TO AMEND BYLAW NO. 177 BEING THE *Langford Municipal Park Regulation Bylaw No. 177, 1996*

Whereas issues of homelessness, mental illness, addiction and associated criminal and illegal activity primarily fall within the jurisdiction of the Province; and

Whereas the Province has not met its obligation to provide 24/7 on-site care and support services, rehabilitation facilities, short-term shelter and permanent long-term housing to those suffering from homelessness, mental illness and addiction; and

Whereas the Province must provide 24/7 support services from the appropriate ministries in a coordinated manner to ensure that local governments across British Columbia do not bear the front-line costs, including policing, bylaw enforcement and clean-up costs, associated with addressing these issues; and

Whereas if the Province chooses to house homeless in a Provincial Park, there must be early neighbourhood and local government consultation; and

Whereas in order to limit the costs to the City of Langford, as well as to ensure the safety and security of its residents;

Now therefore, the Council of the City of Langford, in open meeting assembled, enacts as follows:

1. Langford Municipal Park Regulation Bylaw No. 177, 1996 is amended by:

a) Deleting the definition of "Park" at subsection 1.6 and replacing it with the following:

1.6 "Park" – means land dedicated as park or used by the City as a park, sports field, playground, cemetery, trail, garden, or recreational area, and all buildings and improvements upon such land.

b) Adding the following definitions to section 1:

1.19 "Homeless Person" – means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.

1.20 "Temporary Overnight Shelter" – means a tent, lean-to, or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar rigid or non-rigid material.

c) Adding the words ", open space, beach or trail" immediately after the word "park" in subsection 4.11.

d) Replacing the word "tent" with the words "temporary overnight shelter" in subsection 4.11.

e) Renumbering subsections 4.12 to 4.21 to be subsections 4.18 to 4.27 respectively and in order of their sequence and inserting the following as new subsections 4.12 to 4.17:

4.12 No person shall construct or place in or on any park, open space, trail or beach a shelter, pavilion or permanent structure without first obtaining the permission of Council.

4.13 Despite subsection 4.10, subsection 4.11 and subsection 4.12 of this Bylaw, where there is no accessible overnight shelter accommodation available within the City or the vicinity thereof, a homeless person may erect and occupy a temporary overnight shelter in a park subject to the restrictions set out in subsection 4.14.

4.14 A temporary overnight shelter permitted under subsection 4.13:

- (a) must not be erected before 7:00 p.m. on any one day and must be taken down and removed before 9:00 a.m. on the next day following; and
- (b) must not be erected or occupied at any time in, upon or within 10 metres of any of the following:
 - (i) washroom facilities;
 - (ii) a road, driveway or parking facilities;
 - (iii) a pathway, trail, bridge, boardwalk, dock or wharf;
 - (iv) a beach;
 - (v) land designated on the City's official community plan as development permit areas for the purpose of protecting the natural environment; and
- (c) must not be erected or occupied at any time in, upon or within 100 metres of any of the following:
 - (i) a playground, spray park or pool;
 - (ii) a horticultural display area or garden;
 - (iii) a tennis court or other sport court;
 - (iv) a sport field, stadium or dugout;
 - (v) a stage or bleachers;
 - (vi) a picnic shelter or gazebo;
 - (vii) recreation facilities; and
 - (viii) a cenotaph.

4.15 Any temporary overnight shelter erected or maintained contrary to this bylaw may be removed under subsection 6.4.

4.16 No person shall abandon, deposit, dispose of or leave unattended any chattel in any park, open space, trail or beach other than the disposal of refuse in the appropriate receptacle.

4.17 No person shall leave needles in any park, open space, beach or trail.

e) Adding the following subsections to section 6:

6.4 The Parks Manager, a Royal Canadian Mounted Police Officer or a Municipal Bylaw Enforcement Officer may remove, seize and impound or cause the removal, seizure or impoundment of any chattel placed or left in any park, open space, trail or beach contrary to this bylaw.

6.5 After the removal, seizure or impoundment of a chattel under subsection 6.4, the chattel shall be made available to be claimed in accordance with subsection 6.6 by a person entitled to its possession by no later than 2:00 p.m. on the next business day following the date of its removal, seizure or impoundment.

6.6 A person entitled to possession of a chattel removed, seized or impounded under this bylaw may reclaim the chattel by contacting the City's Parks Department during regular business hours and paying the City a fee equal to the sum of the fees that would have been payable to the City under subsection 7.3.1 of Traffic Bylaw No. 33, 1995 if the chattel had been removed, detained or impounded under Traffic Bylaw No. 33, 1995.

6.7 If a person entitled to possession of a chattel has not claimed it under section 6.6 within 30 days following its impoundment, the Parks Manager may:

- (a) cause the chattel to be sold, by public auction, to the highest bidder; or
- (b) cause the chattel to be disposed of as garbage if it appears to the Parks Manager that the chattel or structure has no market value.

6.8 Where a chattel is sold at public auction under subsection 6.7(a), the proceeds of the sale shall be applied as follows:

- (a) firstly, to pay the costs incurred by the City for the removal, storage and auctioning of the chattel; and
- (b) secondly, to pay the remainder, if any, to the person who owned the chattel if that person's identity and location are known.

6.9 Where an amount referred to subsection 6.8(b) remains unclaimed and the identity or location of the person entitled to it is unknown after one year following the date of the auction, the amount shall be paid into the general revenue of the City.

6.10 Despite subsection 6.5, the City may immediately remove and dispose of any garbage, noxious or offensive matter or substance placed or found in or on a park, open space, trail or beach.

2. This bylaw may be cited for all purposes as the "Langford Municipal Park Regulation Bylaw Amendment No. 9, Bylaw No. 1812, 2018".


READ A FIRST TIME this 24th day of September, 2018

READ A SECOND TIME this 24th day of September, 2018

READ A THIRD TIME this 24th day of September, 2018

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 26th day of September, 2018

Mayor



Certified Correct
(Corporate Officer)

