

Request for Decision



To: Regular Meeting
From: **Manager of Development and Engineering**
Date: October 16, 2017
Subject: Parks Access Amendment Bylaw No. 1959-A1, 2017
Recommendation: **RESOLVED THAT Council gives the first three readings of the "City of Grand Forks Parks Access Amendment Bylaw No. 1959-A1, 2017";**

AND THAT Council directs staff to present the amendment bylaw for adoption at the October 30th, 2017 Regular Meeting of Council.

Background

At the July 17, 2017 Committee of the Whole Council discussed ways to mitigate some of the anti-social behaviours seen in parks and public spaces. One of the major behaviours discussed was persistent temporary shelters in public spaces. The current "City of Grand Forks Parks Access Bylaw No. 1959" regulates public parks, public trails, beaches, and boulevards in the City. Section 4 of the bylaw states that "[n]o person shall set up or occupy any camper, trailer, or other form of temporary shelter, on or within any park". It is proposed to strike Section 4 and replace it with the following:

4. No person shall place, secure, erect, use or maintain a temporary shelter on any public place or park within the City:
 - (a) between 9:00 am and 7:00 pm.
 - (b) Temporary shelter found to be placed, secured, erected, used or maintained between the hours of 9:00 am and 7:00 pm on any public place or park within the City shall be unlawful and subject to enforcement and removal, including any possessions, wastes and other incidental materials.
 - (c) Notwithstanding Section 4 (a), no person shall place, secure, erect, use or maintain a temporary shelter at any time in, on, under or within: playgrounds, spray parks; skateboard parks, tennis courts or other sports courts; sports fields, stadiums or dugouts; stages or bleachers; washroom facilities, picnic shelters, or gazebos; cemeteries; or bridges within the City.
 - (d) Temporary shelters found in any areas described in 4 (c) will be removed immediately.

The current bylaw sets out fines as the penalty for not following the regulations. Because financial penalties are not effective to persons not owning real estate within the City, it is proposed to insert Section 22.1 as follows:

- 22.1 Where a Bylaw Enforcement Officer or any other officer of the City has reasonable grounds to believe that a person, while in a park or public space, is in contravention of any provision of this bylaw the officer may:
- (a) Direct the person to comply with the bylaw; or
 - (b) Direct the person to leave the park or public place.
 - i. A person who is directed to leave the Park or public place must immediately leave the park or public place and refrain from re-entering for a period of 24 hours or until 7pm the following day whichever is longer.

The proposed amendment bylaw was introduced at the September 5, 2017 Committee of the Whole. At that meeting questions were raised about repeat offenders, and merging sections 13 and 19. The City has no effective recourse against repeat offenders that do not own real property. The intent of this bylaw amendment is to make it less appealing to encroach on public spaces with temporary shelters and it is recognized that this does not solve the roots of the problem.

Sections 13 and 19 have been merged to read:

13. No person shall climb, debark, break, peel, cut, deface, remove, injure, root up, dig or otherwise destroy or damage any tree, box, stake, or guard placed around any tree for the protection of the same, shrubs, flowers, roots, sod or grass planted and/or growing on boulevards, or in parks or grounds.


“The City of Grand Forks Parks Access Amendment Bylaw No. 1959-A1, 2017” is now presented for Council’s consideration to give the first three readings. A copy of the amendment bylaw is attached.

Benefits or Impacts

General

The Bylaw Enforcement Officer or any other officer of the City will be able to direct persons not complying with the bylaw to leave the park or public space. Additional regulation of temporary shelters will be enacted.

Strategic Impact

-  The occupation of public lands with temporary shelters reduces the appeal of those areas for use by members of the general public. Adding another tool for their

removal will increase the City's ability to manage these spaces in the public interest.

Policy/Legislation

This bylaw amends Bylaw 1959.

Attachments

Bylaw 1959-A1

Marked up copy of Bylaw 1959

Recommendation

RESOLVED THAT Council gives the first three readings of the "City of Grand Forks Parks Access Amendment Bylaw No. 1959-A1, 2017";

AND THAT Council directs staff to present the amendment bylaw for adoption at the October 30th, 2017 Regular Meeting of Council.

Options

1. RESOLVED THAT Council accepts the report.
2. RESOLVED THAT Council does not accept the report.
3. RESOLVED THAT Council refers the matter back to staff for further information.

Report Approval Details

Document Title:	RFD 2017 - Parks Bylaw Oct.docx
Attachments:	- By1959 Parks Access Bylaw amendment markup.pdf - By1959-A1 Parks Access Amendment 2017.pdf
Final Approval Date:	Oct 5, 2017

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - Oct 5, 2017 - 5:29 PM

Diane Heinrich - Oct 5, 2017 - 5:46 PM