



Corporate Report

NO: R127

COUNCIL DATE: July 13, 2009

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 29, 2009**

FROM: **General Manager, Parks, Recreation and Culture** FILE: **3900-20/F**

SUBJECT: **Proposed Amendments to the *Parks, Recreation and Cultural Facilities Regulation By-law***

RECOMMENDATION

The Parks, Recreation and Culture Department recommends that Council:

1. Receive this report as information; and
2. Approve amendments to the *Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480*, as documented in Appendix "A" to this report, and authorize the City Clerk to bring forward the appropriate amendment by-law for the required readings.

INTENT

The purpose of this report is to seek Council approval to amend the *Parks, Recreation and Cultural Facilities Regulation By-law No. 13480*.

BACKGROUND

The *Parks, Recreation and Cultural Facilities Regulation By-law* (the "Parks By-law") sets out conditions and regulations related to the use of parks, recreation and cultural facilities within the City. The Parks By-law applies to public parks and open spaces, playgrounds, playing fields, urban forests, beaches, boulevards, swimming pools, arenas, art facilities, museum, cemeteries, marina, and all other community leisure facilities.

The Parks By-law was last revised in 2005 to reflect the provisions of the *Community Charter* and to delegate some of the administrative powers of the City relating to property held for pleasure, recreation and community purposes to the General Manager, Parks, Recreation and Culture. There were also several revisions within the regulations to allow more effective enforcement of the provisions of the Parks By-law.

DISCUSSION

Parks By-law Amendments:

Based on experience in the administration of the current Parks By-law, amendments have been developed that will assist in making the administration of the by-law more efficient and effective (see Appendix “B”, Existing By-law with Proposed Changes). The following is a description of the proposed amendments:

The Powers of the General Manager

The existing Parks By-law was structured to empower the General Manager, Parks, Recreation and Culture to administer the conditions and regulations of the By-law. The Parks By-law presently contains several sections that stipulate that no person shall carry out a specified activity other than in an area posted for such activity by the General Manager. However, strict interpretation of the Parks By-law reveals that the General Manager has not been generally empowered to create specific rules for the use of parks or facilities or to create and post notices, except as explicitly set out in a few sections of the Parks By-law. This limits the effectiveness of the Parks By-law. The amendments to the Parks By-law as contained in Appendix “A”, if adopted, will correct this deficiency. An example of the application of such power would be the General Manager ordering the posting of “No Smoking” notices within playgrounds.

Bathing Beaches and Pools

The amendments address regulations and rentals of swimming pools and consistency between the MTI By-law and the amended Parks By-law.

Dogs on Beaches

Section 56 of the current Parks By-law states:

“No person.....shall allow a dog to be on a beach between May 15th and September 15th inclusive except in an area designated and posted as being an area permitted for dogs. Between the 15th day of September in one year and the 15th day of May in the following year a dog may be permitted on a beach provided it is kept on a leash....”

This regulation was developed at a time when the only beach managed by the City was Crescent Beach. The regulation was put into place to keep dogs off the beach during summer weather because they could interfere with sunbathing and other activities by people attending the beach. The City now manages parkland containing beaches at several sites in the City, including Tannery Park, Brownsville Bar Park, Mud Bay Park, Elgin Heritage Park and Blackie Spit Park. At these other beaches, sunbathing is not the focus of activity but rather walking and observing the natural environment is the more common use of these parks. These parks are also part of important migratory bird habitat associated with the internationally important *Pacific Flyway*.

This wildlife habitat in these nature parks is particularly sensitive during the fall, winter and early spring months, when migratory birds are feeding and resting. Allowing dogs

on these nature park beaches during these seasons, which is permitted under the current Parks By-law, is contrary to the proper protection of these environmentally important areas. An amendment is proposed that eliminates the references to beaches, and replaces such references with language that will permit the development of regulations for dogs that are specific to each particular beach in the City. Representatives of the Crescent Beach Dog Association have been consulted recently in this matter, and have confirmed their support for restricting access by dogs to environmentally sensitive beach areas such as those found in certain areas of Blackie Spit Park. The City continues to operate a designated beach in which dogs can swim at a roped-off section of Blackie Spit Park and has an off-leash area established behind the Surrey Sailing Club at Blackie Spit Park.

If the amendment to the By-law is approved, staff will carry out additional consultation with the environmental community and dog owners to determine the seasonal timing of access to beaches by dogs to ensure the needs of pet owners are met while protecting important habitat at critical times of the year. Any changes to the restrictions related to dog access to beaches and environmentally sensitive areas will be reviewed with the Parks and Community Services Committee and forwarded to Council for consideration of approval.

Review of Proposed Amendments by the Parks and Community Services Committee

At its meeting on April 15th, 2009 the Parks and Community Services Committee reviewed the by-law amendments as proposed in this report and adopted the following resolution:

“The Parks and Community Services Committee:

- 1. Recommends to Council that Council authorize the City Clerk to introduce an amending by-law for the Parks, Recreation and Cultural Facilities Regulation By-law 1998, No. 13480, as amended; and*
- 2. Recommends that staff prepare a Corporate Report to Council to accompany the Committee’s recommendation to Council regarding the by-law amendments.”*

Legal Services Review:

Legal Services has reviewed this report and the related by-law amendments and has no concerns. Amendments were made to the MTI By-law this spring to raise fines and update other outstanding MTI issues. A new Schedule 12 was adopted earlier this year as part of MTI Amendment By-law No. 16667, that permits ticketing under the Parks, Recreation and Cultural Facilities Regulation By-law No. 13480.

CONCLUSION

Based on the above discussion, it is recommended that Council approve amendments to the *Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480*, as documented in Appendix "A" to this report, and authorize the City Clerk to bring forward the appropriate amendment by-law for the required readings; and

Laurie Cavan
General Manager,
Parks, Recreation and Culture

OCC:dlg

Attachments

Appendix A: Proposed Amendments to the Parks By-law No. 13480

Appendix B: Existing By-law with Proposed Changes

Appendix "A"
Proposed Amendments to
Surrey Parks, Recreation and Cultural Facilities
Regulation By-law, 1998, No. 13480, as amended
(the "By-law")

That the By-law be further amended as follows:

1. By deleting (b) under Intent of By-law and replacing it with the following new item (b):
 - (b) to empower the General Manager, Parks, Recreation and Culture to carry out the intent of this By-law.
2. By changing the heading immediately preceding Section 4 to "**Powers of General Manager**".
3. By inserting a new Section 4.1 immediately after existing Section 4 as follows:

"4.1. Without limiting Section 4 or any other provision in this By-law, the General Manager may:

 - (a) make rules for the administration, management, control and protection of a park and the natural resources in a park;
 - (b) make rules prohibiting or regulating and controlling the time, place and manner in which animals may be permitted in any park;
 - (c) make rules regulating and controlling persons and their activities or use of a park or park facilities including prohibiting or regulating and controlling the actions, activities, conduct and behaviour of any person; and
 - (d) design, construct, modify and post signs in or around a park."
4. By moving the existing heading "**Dress**" from before Section 42 to before Section 43.
5. By adding a heading "**Applications for Private Rental**" before Section 42.
6. By changing the "Contents" provisions to reflect the above changes in heading names.
7. By deleting Section 42 in its entirety and replacing it with the following new Section 42:

"The General Manager is authorized to receive, review and grant or refuse applications for private rentals for the use of any bathing beach or swimming pool, and may impose terms and conditions on any facility use permit granted for a private rental."

8. Amend Sections 55 and 56 by deleting them in their entirety and replacing them with the following new Sections 55 and 56:
 55. Notwithstanding Section 54, the General Manager may designate and post precise locations and hours where a dog may be permitted without a leash within a park. No person owning or having custody, care or control of a dog shall allow the dog to be within a park without a leash contrary to the designated times or outside of the designated areas and where permitted to be off leash, the dog must be under the direct control of a person.
 56. The General Manager may designate and post precise locations and dates where dogs are not permitted within a park. No person owning or having custody, care or control of a dog shall allow the dog to be within a park in a designated "no dogs permitted" area."
9. Amend Section 57 by adding the words "by the General Manager" immediately following the words "designated and posted".