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Cowichan Valley Regional District  
**PARKS BYLAW No. 738**

**Amended up to and including Bylaw No. 3851**

**CONSOLIDATED FOR CONVENIENCE ONLY**

Please check with the Planning & Development Department (250-746-2620) for current information on this Bylaw



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*NOTE: CVRD Planning & Development Department staff have made every effort to provide the most up-to-date version of this consolidated bylaw and the associated maps. Nevertheless, this document may be somewhat out of date, particularly if there are amendments underway. Persons using this consolidated bylaw text and the maps should not rely on them for legal purposes or to make important decisions.*

**AMENDING BYLAWS:**

**3851**      September 10, 2014



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 738**

Cowichan Valley Regional District Parks Bylaw  
Applicable to all Electoral Areas

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**WHEREAS** it is deemed expedient to regulate and govern the use of parks operated by the Cowichan Valley Regional District;

**AND WHEREAS** the Letters Patent of the Cowichan Valley Regional District issued June 15, 1972, grants the powers and authorities contained in Section 767 of the *Municipal Act*, RSBC, 1979, Chapter 290;

**NOW THEREFORE** the Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**Cowichan Valley Regional District Parks Bylaw No. 738, 1983**".

2. **INTERPRETATION**

2.1 In this bylaw, unless the context requires otherwise, the following definitions apply:

"at large" means, when applied to a dog, that the dog:

- i. is not restrained by a competent person by means of an adequate leash attached to the dog or,
- ii. in a leash optional area, is not under effective control;

"Board" means the board of the Cowichan Valley Regional District;

"camp" means to occupy a campsite, to set up a tent or other shelter, or to remain overnight with or without shelter;

"commercial activity" means the sale, display or rental of goods or services;

"common facilities" means facilities, structures and amenities placed within a Park or Trail for the common use and enjoyment of members of the public, and without limiting the foregoing includes playgrounds, play equipment, playing fields, garbage receptacles, landscaped areas, boat launches, docks, wharfs, picnic tables, shelters, parking areas and parking lots, signs, walkways and trails, and all other CVRD structures and facilities that are provided for public use within, or forming part of, a Park;

"CVRD" means the Cowichan Valley Regional District;

"cycle" means any self-propelled wheeled vehicle including a bicycle, mountain bike and tricycle, but excludes a wheel chair;

"effective control" in reference to a dog means that the dog is within sight of a competent person and will return to that person promptly on command;

"green waste" means a biodegradable waste that is composed of grass, flower and hedge cuttings, leaves, branches and other vegetation, as well as food waste;

"leash" means a chain, rope, cord or strap by which an animal may be lead or controlled and adequately restrained;

"leash optional" means an area in a CVRD park or trail designated by sign or notice placed by the CVRD, where persons with effective control of a dog may allow their dog to be off-leash;

"moor" means to make fast a vessel to a dock, wharf or boat ramp by ropes, cables, anchors or other means;

"natural park feature" means a tree, shrub, herb, flower, grass, turf, or other plant or fungus and all soil, sand, silt, gravel, rock, mineral, wood, fallen timber, driftwood, or other natural park resource in a Park or Trail;

"on-site refuse" means all garbage, food remains, refuse, and other waste generated by persons while they are in a Park or Trail;

"Park" means any property that:

- i. the CVRD has possession and control of pursuant to section 941 of the Local Government Act;
- ii. the CVRD holds in fee simple, or by lease, license, permit, covenant, statutory right-of-way, easement, or occupancy or access agreement, for park purposes;
- iii. the CVRD acquires possession or control of for park purposes; and,
- iv. includes the following categories of property owned or under the possession and control of the CVRD and commonly referred to as: park, regional park, community park, community recreation park, coastal recreation park, neighbourhood park, special purpose park, linear corridor park, tot lot park, river corridor park, lakefront park, off leash dog park, bike park, community garden, community forest, nature centre, boat launch, cemetery, trail, connector trail, multi-use trail/pathway, community pathway, bike path, Trans Canada Trail, boardwalk, equestrian trail, walking/hiking trail, and all playgrounds, sports courts, sports fields, ice arenas, libraries, community centres, theatres, community halls, historic sites, bowling alleys, marine parks, nature parks, wildlife corridors, forests, greenbelts, ecological reserves, conservation areas, marshes, beach accesses, docks, wharves and boat ramps;

"Park hours" means:

- i. the time between sunrise and sunset; or
- ii. such other permitted hours of use that are designated by a sign or notice placed by the CVRD within a Park or Trail;

"Park permit" means a permit issued under this bylaw authorizing an activity or special use in a Park or Trail;

"parking", "park", or "parked" means to station any vehicle;

"pedestrian" means a person traveling on foot, or in a wheel chair, or an infant or young child in a stroller or perambulator;

"prohibited material" has the same meaning as under Schedule A to the Open Burning Smoke Control Regulation, B.C. Reg. 145/93, as amended or replaced from time to time;

"special use" means:

- i. any commercial or non-commercial service, activity or event that is intended to attract or requires participants or spectators and includes but is not limited to: a festival; competition; tournament; procession; drill; performance; concert; gathering; march; fishing derby; show; party; outdoor ceremony; regatta; animal show; group training or lesson; recreational programming; demonstration; operation of a model airplane, vehicle or vessel; television or motion picture filming;
- ii. any research, survey, or petition activity;
- iii. the reserved use of common facilities for a group function or special event;
- iv. any incursion onto a Park or Trail for non-park purposes including access for water lines, structures, roads, signs or fences; and
- v. rock climbing, rappelling, hang gliding, base jumping and other activities of a similarly hazardous nature.

"Trail" means:

- i. any maintained path or trail designated for recreational use within a Park; or
- ii. any trail outside of a Park that the CVRD acquires possession or control of for recreational purposes;

"tree" means any living, erect, woody plant which is 4 m (13.1') or more in height and 10 cm or more in diameter (as measured 1.4 m above grade);

"vehicle" means a device in, on or by which a person or thing is or may be transported or drawn upon a highway, and without limiting the generality of the foregoing, includes cars, trucks, motorcycles, all-terrain vehicles, scooters, recreational vehicles, and trailers but does not include medi-scooters and wheelchairs, a device designed to be moved by human-power, a device used exclusively upon stationary rails or tracks, mobile equipment or a motor assisted cycle;

"vessel" includes any ship, boat, seaplane, parasail, sailboard, kite board, canoe, kayak, row boat, paddle boat or other device used or designed to be used for navigation on, in or under water.

2.2 The intent of this bylaw is to permit the reasonable use of Parks and Trails by the public in a manner that accommodates individual rights, including the rights of freedom of assembly and freedom of expression, within the context of operating Parks and Trails that are intended to provide the benefits of outdoor recreation and enjoyment for the general community and preservation and protection of natural park features.

2.3 The headings to the clauses in this bylaw have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this bylaw or any provision of it.

**3. APPLICATION**

This bylaw applies to all Parks and Trails the CVRD currently owns, holds, or has possession or control of, and to all Parks and Trails that are acquired after the adoption of this bylaw.

**4. ENFORCEMENT AND DELEGATION**

4.1 The following persons and/or their designate are authorized to enforce the provisions of this bylaw:

- (a) CVRD Manager of Inspections and Enforcement;
- (b) CVRD Manager of Parks and Trails;
- (c) CVRD Parks and Trails Operations Superintendent;
- (d) CVRD Bylaw Enforcement Officer;
- (e) Members of the Royal Canadian Mounted Police (RCMP); and
- (f) CVRD Domestic Animal Protection Officer.

4.2 The persons identified in sections 4.1 (b) and (c) and/or their designate are authorized to post signs and notices in Parks and on Trails that establish rules for the use of a Park or Trail that are consistent with this bylaw, including rules that:

- (a) establish conditions for the use of certain areas;
- (b) designate areas in which certain activities are permitted or prohibited;
- (c) restrict, limit or prohibit access to certain areas;
- (d) establish permitted hours of use.

4.3 A person must not interfere with, hinder or obstruct, a person identified in section 4.1 and/or their designate in the performance of their duties.

**5. USE OF PARKS AND TRAILS**

5.1 No person shall use a Park or Trail contrary to any of the rules or regulations set out in this bylaw.

5.2 No person shall use a Park or Trail for a commercial use or special use unless authorized by a Park permit.

5.3 No person shall conduct himself or herself in a Park or on a Trail in a disorderly or offensive manner.

5.4 No person shall make or cause a disturbance in a Park or on a Trail.

**6. HOURS OF PARK AND TRAIL USE**

6.1 All Parks and Trails are closed to use except during Park hours.

6.2 No person shall enter or remain in a Park or on a Trail when the Park or Trail is closed to use.

**7. DOMESTIC AND WILD ANIMALS**

- 7.1 No person shall ride, lead, or have charge of any horse or other riding animal in a Park or on a Trail except:
- (a) on areas designated for those activities by signs or notices placed by the CVRD;
  - (b) as otherwise authorized by the CVRD in writing.
- 7.2 No person shall cause or permit any animal owned or under the control of that person to be or remain at large in a Park or on a Trail.
- 7.3 No person shall molest, disturb, frighten, harass, injure, kill, catch, or trap any wildlife in a Park or on a Trail.
- 7.4 No person shall permit or allow a dog that is owned or under the control of that person to be or remain on any wharf, dock, float or beach area within a Park that is designated for swimming.
- 7.5 A person entering a Park or Trail with a dog shall:
- (a) keep the dog under control at all times;
  - (b) keep the dog leashed at all times except within leash optional areas;
  - (c) within a leash optional area, ensure that the dog is under effective control at all times;
  - (d) restrain or remove the dog from a Park or Trail when requested by any person authorized to administer this bylaw;
  - (e) carry at all times and use as required by this Bylaw a leash and collar for each dog; and
  - (f) remove from the Park or Trail the feces deposited by that dog and dispose of the dog's feces in a sanitary manner.

**8. CAMPING**

- 8.1 No person shall use a Park for the purpose of camping, tenting, or overnight accommodation except by written permission of the CVRD or as authorized by a Park permit.
- 8.2 No person shall use a boat or vessel as a residence or overnight accommodation while moored in a Park.

**9. DAMAGE TO PARKS AND TRAILS**

- 9.1 No person shall remove, destroy, cut or damage any natural park feature, or any building, structure, or common facility in a Park or on a Trail, without the written permission of the CVRD.
- 9.2 No person shall deposit any refuse, green waste, debris or other material of any kind, into or within any Park or Trail, without the written permission of the CVRD.
- 9.3 No person shall cut down, prune or remove any tree or any part of a tree in a Park or Trail without the written permission of the CVRD and then only in strict accordance with that authorization.

- 9.4 No person shall build or otherwise create or alter any Trails within a Park without the written permission of the CVRD.
- 9.5 No person shall travel within a Park except on a Trail or other area that is designated for travel:
- (a) by signs or notices placed by the CVRD; or
  - (b) in a map or brochure published by the CVRD.
- 9.6 No person shall build, place or install any permanent or temporary structures or facilities within a Park or on a Trail without the written permission of the CVRD.
- 9.7 No person shall let off, turn on, or discharge water out of any tap, pipe, hose or other fixture within a Park or Trail so that the water is wasted.
- 9.8 A person who damages, removes, cuts or destroys a natural park feature, common facility, or a building or structure in a Park or on a Trail, without the written permission of the CVRD, may be required to replace that natural park feature, common facility, building or structure with one of similar value, or to pay an equivalent amount to the CVRD, upon demand issued under the authority of the CVRD's Manager of Parks and Trails or by the Board.

## 10. **FIRES**

- 10.1 No person shall kindle, build, light, maintain, or use any fire at any location in a Park or Trail, other than a fire in a fire ring or receptacle provided for that purpose by the CVRD.
- 10.2 No person shall throw or place upon the ground in a Park or Trail any lighted material, cigar, cigarette or other burning substance.
- 10.3 No person shall kindle, build, light, maintain, or use any fire at any location in a Park or Trail in a manner that contravenes:
- (a) fire restrictions that are in effect under the *Wildfire Act* (British Columbia); or
  - (b) any other applicable CVRD bylaw.
- 10.4 The prohibition under section 10.3 does not include the use of a portable hibachi, barbecue, or propane stove in an area of a Park designated for the use of those cooking devices.
- 10.5 No person shall leave unattended a fire, stove, barbecue or other flame producing cooking device of any kind while it is lit or turned on.
- 10.6 No person shall burn any prohibited material in a Park or on a Trail.

## 11. **FIREARMS AND HUNTING**

- 11.1 No person shall hunt, or carry or discharge any firearm, bow or crossbow, in a Park or on a Trail except by written permission of the CVRD.

**12. GARBAGE**

- 12.1 No person shall deposit or leave any on-site refuse anywhere in a Park or Trail, except in waste receptacles provided by the CVRD for that purpose.
- 12.2 Except for the disposal of on-site refuse into waste receptacles provided for that purpose, no person shall dispose of any domestic, commercial, or industrial litter or waste in a Park or on a Trail.

**13. LIQUOR**

- 13.1 No person shall possess or consume liquor in a Park or on a Trail:
- (a) except in a location where the liquor is possessed and consumed pursuant to and in compliance with a licence issued under the *Liquor Control and Licencing Act* (British Columbia); and
  - (b) unless that person has obtained all legally required permits for the consumption of liquor in that place, including a valid Park permit.

**14. PARK MAINTENANCE AND DEVELOPMENT**

- 14.1 This bylaw shall not be interpreted as impairing or preventing the CVRD or its employees, contractors and agents from carrying out Park and Trail maintenance, development and construction work.

**15. PARK PERMITS**

- 15.1 Application for a Park permit authorizing a special use may be made to the CVRD Manager of Parks and Trails, and/or designate, who may:
- (a) grant or refuse the application;
  - (b) impose terms and conditions for obtaining and holding the Park permit;
  - (c) refer the application to the Board for determination.
- 15.2 An application for a Park permit must be accompanied by the applicable permit fee, and a damage deposit and proof of liability insurance if required as a condition of the permit.
- 15.3 When approving a Park permit the CVRD Manager of Parks and Trails, and/or designate, may impose one or more of the following terms and conditions:
- (a) the location and times during which the special use may be carried out;
  - (b) that the applicant supply additional services necessary for the special use, including but not limited to sanitary, health, emergency, security, traffic control and police services;
  - (c) restrictions on the number of person who may attend or participate in the special use;
  - (d) restrictions on the use of generators, amplification and public address systems, the playing of live or recorded music, and the placement of temporary structures associated with the special use;
  - (e) that the applicant provide a damage deposit in an amount determined by the CVRD Manager of Parks and Trails;
  - (f) that the applicant provide proof of liability insurance in an amount and in a form approved by the CVRD Manager of Parks and Trails; and

- (g) terms and conditions considered necessary for the protection of the Park or Trail, users of the Park and Trail and participants in the special use, and for the prevention of nuisances or disturbances to the surrounding neighbourhood.

15.4 A Park permit may be refused unless:

- (a) the proposed special use conforms to CVRD park use policies and to any CVRD Park management plan that is in place for that Park or Trail;
- (b) the proposed special use will not cause damage to the Park or Trail, any natural park feature, or any common facility or structure within the Park or Trail;
- (c) the applicant agrees to indemnify and save harmless the CVRD from and against any damages or claims that arise from the special use;
- (d) the applicant has agreed in writing to the terms and conditions of the Park permit.

15.5 Where the holder of a Park permit fails to comply with this bylaw or the terms and conditions of the Park permit, then in addition to any other enforcement action or penalties:

- (a) the CVRD may revoke the Park permit;
- (b) the applicant may be required to pay the CVRD's costs in undertaking any remedial work necessary to repair any damage to Park or Trail common facilities or a natural park feature; and
- (c) the damage deposit paid by the applicant may be withheld and applied towards the costs incurred by the CVRD in performing the remedial work referred to in subsection 15.5(b).

## 16. **TRAFFIC CONTROL DEVICES, PARK RULES AND SIGNAGE**

16.1 Every person shall comply with all traffic control devices within a Park or Trail.

16.2 Every person shall comply with all other CVRD regulations, prohibitions, policies or requirements for the use of a Park or Trail, which have been identified on signage posted within the Park or on the Trail.

## 17. **SMOKING**

17.1 No person shall smoke, or use an electronic cigarette or similar device, within a Park or Trail except in areas designated as smoking areas by sign or notice placed by the CVRD.

## 18. **STORAGE**

18.1 No person, including but not limited to an owner of property adjacent to a Park or Trail, shall use a Park or Trail for storage of items such as but not limited to vehicles, boats, trailers, or any materials of any kind, except by written permission of the CVRD.

**19. VEHICLE AND CYCLE CONTROL**

19.1 The regulations relating to vehicle and cycle use within Parks and Trails are as follows:

- (a) no person shall operate a vehicle or cycle below the natural boundary or high tide mark in a Park, off the designated road ways, or in such a manner as to disturb a natural park feature;
- (b) no person, except authorized CVRD personnel patrolling on a cycle in a Park or on a Trail, shall operate any vehicle or cycle in a Park or on a Trail except on public roads or Trails designated for such use;
- (c) no person, except authorized CVRD personnel engaged in the development or maintenance of the Park, shall operate or cause to be operated, or push or tow, a motorcycle, dirt bike, all-terrain vehicle or other motorized vehicle, other than a medi-scooter or wheelchair, on or along a Trail;
- (d) no person shall park a vehicle on any public road or right-of-way in such a manner as to impede proper use of the road or in such a place or manner as to damage a natural park feature, or so as to restrict or inhibit public recreational use of a Park;
- (e) no person shall park or leave a vehicle in a Park or parking area outside of Park hours;
- (f) no person shall clean, repair or carry out maintenance on a vehicle within a Park or Trail; and
- (g) no person shall park a vehicle in areas prohibited by, or contrary to, a sign or posted notice.

19.2 Where no speed limit is posted, no person shall operate a vehicle in a Park at a greater speed than 10 kilometers per hour.

19.3 Any motor vehicle parked in violation of this bylaw may be removed and impounded, and the owner of the motor vehicle shall pay the cost of removal and impoundment before the motor vehicle is returned to the said owner.

**20. VESSELS**

20.1 No person shall:

- (a) launch or remove a vessel from a body of water except:
  - (i) from a designated boat launch ramp, or
  - (ii) by physically carrying, and not dragging, the vessel to and from the water;
- (b) be off designated roadways or interfere with natural park features in order to launch a vessel;
- (c) operate a vessel within an area designated by signs or buoys for swimming or along waterfront in a way that will endanger, disturb or otherwise interfere with the free use of the water for the purpose of bathing and swimming except in the immediate vicinity of a boat launch and for the purpose of approaching or moving away from the boat launch on a line perpendicular to shore;
- (d) impede or endanger pedestrian movement along a beach or foreshore;
- (e) moor a vessel to dry land; or
- (f) store a vessel on land or water.

- 20.2 No person shall:
- (a) leave a vessel on land or water except during Park hours;
  - (b) moor a vessel overnight;
  - (c) moor a vessel to a boat launch except temporarily for the purpose of and while launching or removing that vessel;
  - (d) moor a vessel for a duration greater than 3 (three) hours each day where mooring is permitted; or
  - (e) moor a vessel to a common facility except in accordance with this bylaw.

20.3 No person shall, at any time, launch or caused to be launched or allow or permit to be launched onto the waters of Shawnigan Lake, Cowichan Lake or any other body of water, from any Park, within the CVRD any motorized boat with an exhaust which is unmuffled or is not vented under the surface of the water.

20.4 Any vessel moored in violation of this bylaw may be removed and impounded, and the owner of the vessel shall pay the cost of removal and impoundment before the vessel is returned to the owner.

## 21. **PENALTIES**

- 21.1 Any person who contravenes any provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and :
- (a) on summary conviction is liable to a fine of not less than \$500 and not more than \$2,000; or
  - (b) on conviction of a ticket offence under the Municipal Ticket Information Bylaw, is liable for the fine imposed under that bylaw.
  - (c) This bylaw may be enforced by the issuing of a ticket for contravention in accordance with "CVRD Bylaw No. 3209 – Ticket Information Authorization Bylaw, 2008".

21.2 Each day during which violation of this bylaw is continued, shall be deemed to constitute a new and separate offence.

## 22. **SEVERABILITY**

22.1 If any provision of this bylaw is held to be beyond the power of the CVRD or otherwise invalid by any court of competent jurisdiction, then the provision may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

## 23. **REPEAL**

CVRD Bylaw No. 1277 cited as "**Cowichan Valley Regional District Shawnigan Lake Motor Board Bylaw No. 1277, 1990**"; and CVRD Bylaw No. 1361 cited as "**Cowichan Valley Regional District Parks Amendment Bylaw No. 1361, 1991**", are hereby repealed.

24. **FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this      11<sup>th</sup>      day of      May      , 1983.

READ A SECOND TIME this      11<sup>th</sup>      day of      May      , 1983.

READ A THIRD TIME this      12<sup>th</sup>      day of      October      , 1983.

ADOPTED this      14<sup>th</sup>      day of      December      , 1983.

Gerry Giles  
Chairperson

Peter Hayward  
Secretary-Treasurer