
CITY OF KELOWNA

MEMORANDUM

Date: August 8, 2003
File No.: 3760-00
To: City Manager
From: Licence and Bylaw Enforcement Supervisor
Subject: Amendments to City of Kelowna Parks Bylaw No. 6819-91

RECOMMENDATION

THAT City Council forward the amendments to the City of Kelowna Parks Bylaw No. 6819-91 as outlined in the report from the Licence and Bylaw Enforcement Supervisor dated August 8, 2003, for reading consideration by Council.

BACKGROUND

The City of Kelowna adopted the current Parks Bylaw 6819-91 in March 1991 which basically outlined definitions, prohibitions, uses and penalties to meet the needs of the City at the time. The City of Kelowna has experienced substantial growth in business, local residential growth, population expansion and has become a centre for travellers and vacationers. The growth has also brought with it a number of enforcement issues which initiated a review and amendments to ensure consistent and favourable enforcement.

In consultation with the City Solicitor the following revisions to this bylaw are being suggested:

PART 2 – DEFINITIONS

The following definitions are to be included as clauses 2.3 and 2.4 with the existing clauses being renumbered:

- 2.3 “Camping Equipment” includes portable cooking equipment, sleeping bags and rolls, backpacks and packsacks, tents, tarps and lean-tos,
- 2.4 “Campsite” includes any place of temporary abode and any place where camping equipment is left or stored.

PART 3 – PROHIBITIONS

The following sections are to be added:

- 3.33 No person shall take up temporary or permanent abode in or on any park.
- 3.34 No person shall establish or set up a campsite in a park.
- 3.35 No person commits an offence under Section 3.33 or 3.34 by bringing equipment into a park that is used for picnicking or while the person takes temporary, but not overnight, respite in a park or where authorized by a permit under Section 4.3.

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PART 5 – SEIZURE AND DETENTION

A new Part 5 is to be inserted into the bylaw as follows with the existing Parts 5, 6 and 7 being renumbered respectively as Parts 7, 8 and 9:

- 5.1 The Parks Manager, a Peace Officer or Bylaw Enforcement Officer appointed by City Council, City Staff or Contractor acting under the direction of the Parks Manager may remove any camping equipment left or stored in a park and any other items comprising a part of a campsite in a manner contrary to the provisions of the bylaw and take such equipment to a place of safekeeping until it is returned to the owner or disposed of in accordance with Section 5.4 of the bylaw.
- 5.2 For removal, detention and impounding of camping equipment pursuant to Section 5.1 of this bylaw, the following fees are payable to the City prior to the owner being entitled to the return of the equipment:
- (a) For each occasion that the Parks Manager, Staff or Contractor acting under his direct, Peace Officer or Bylaw Enforcement Officer are engaged in the removal of the camping equipment to the place of detention and safekeeping \$35.00
 - (b) For each day that the camping equipment is stored or detained (to a maximum of \$75.00) \$2.50
- 5.3 The owner of any camping equipment or other items removed and detained pursuant to Section 5.1 shall pay any applicable fees for the removal or detention prior to the City releasing the camping equipment and items to the owner.
- 5.4 Upon the expiration of 30 days from any removal or detention under Section 5.2 the City may put the camping equipment or other items up for sale by public auction and recover any fees accrued pursuant to Section 5.2 from the proceeds of the sale or may dispose of the seized items as deemed necessary.

Respectfully,

J. A. Dixon
Licence and Bylaw Enforcement Supervisor