



EXPLANATION

Parks Control By-law Amendment Regarding Temporary Shelters in Parks

Enactment of the attached By-law will implement the Vancouver Park Board's resolution of July 14, 2020, to permit those experiencing homelessness to erect temporary overnight shelter in parks.

Director of Legal Services
July 27, 2020

NOTE:

First, Second & Third readings were completed on July 27, 2020. As per the Park Board Procedure By-laws, adoption is to be considered at a subsequent meeting.



A By-law to Amend the Parks Control By-law Regarding Temporary Shelters in Parks

THE BOARD OF PARKS AND RECREATION OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Parks Control By-law.
2. In section 1, the Board:
 - (a) inserts the following definitions in the correct alphabetical order:

“HOMELESSNESS” means the state of having no access to permanent or temporary housing, accommodation, or shelter.”;

“NATURAL AREAS” are those areas of parks that are managed to retain their natural ecosystem attributes, are relatively undisturbed in an urban context, contain native or naturalized non-native plant species, and provide wildlife habitat, stormwater retention, and other ecosystem services; these include forests, ponds, wetlands, stream riparian zones, coastal environments, meadows, treed areas without mown understory, and unmanicured sections of golf courses.”;

“TEMPORARY SHELTER” means a tent or other temporary structure that provides shelter to a person experiencing homelessness and that is capable of being dismantled and moved, but does not include a vehicle.”; and
 - (b) renumbers the existing subsections accordingly.
3. The Board strikes out subsection 3(b) and substitutes “Except as provided in section 11A, no person shall enter or remain in a park except during the hours posted.”.
4. In section 10, the Board adds “except as provided in section 11A” after “or take up a temporary abode in any place on any portion of any park”.
5. In section 11, the Board adds “, except that this provision does not apply to a temporary shelter that complies with the provisions of this by-law” after “without the permission of the General Manager”.
6. The Boards adds the following new sections:

“11A. A person experiencing homelessness may take up temporary abode in a park if that person:

 - (a) is in a park or a specified area of a park in which a temporary shelter is not prohibited by this by-law;
 - (b) erects a temporary shelter that complies with the provisions of this by-law; and
 - (c) dismantles and moves the temporary shelter in accordance with the provisions of this by-law.

- 11B. A temporary shelter:
- (a) must not be erected:
 - i. within 25 metres of a playground or school;
 - ii. in, on or within a:
 - A. beach, pond, lake or dock;
 - B. trail, bridge, seawall, roadway or park entrance;
 - C. natural area;
 - D. garden or horticultural display area;
 - E. pool or water park;
 - F. sports field, sports court, skate park, fitness amenity or golf course;
 - G. community centre or fieldhouse;
 - H. bleacher, stage, gazebo, public monument, designated picnic site, picnic shelter or washroom;
 - I. designated off-leash dog area; or
 - J. designated special event area for which permission has been given in accordance with this by-law;
 - (b) may only be erected from dusk until 7:00am the following day, unless in an area designated by the General Manager as acceptable for temporary daytime shelter;
 - (c) must be dismantled and moved by 8:00am each day, unless in an area designated by the General Manager as acceptable for temporary daytime shelter;
 - (d) must not impede public use of, or access to, a park or facility;
 - (e) must not hinder or interrupt the ability of staff or contractors to perform their work, as set out in section 14(a) of this by-law;
 - (f) must not exceed a maximum footprint of 9 square metres (3m x 3m), with all belongings contained within that space;
 - (g) must not contain any campfire, lighted candles, propane lanterns or stoves, or other similar devices;
 - (h) must not be used to sell goods or conduct business without the permission of the Board, as set out in section 4(a)(i) and 4(a)(ii) of this by-law; and.
 - (i) must not be left unattended.

7. In section 13, the Board adds “, temporary shelter,” after “any obstruction, vehicle”.



8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by the Vancouver Board of Parks and Recreation this ___ day of _____ 2020.

Camil Dumont, Chair
Board of Parks and Recreation

Steve Jackson, Acting Deputy General Manager
Board of Parks and Recreation