

CITY OF PRINCE GEORGE
BYLAW NO. 9311, 2022

A Bylaw of the City of Prince George to amend “Parks and Open Space Bylaw No. 7370, 2002”.

WHEREAS Council enacted “Parks and Open Space Bylaw No. 7370, 2002” to regulate the use of parks and open spaces;

AND WHEREAS Council deems it desirable to amend “Parks and Open Space Bylaw No. 7370, 2002” in order to authorize and regulate the use of City parks for overnight sheltering by persons who are homeless;

NOW THEREFORE the Council of the City of Prince George, in open meeting assembled,
ENACTS AS FOLLOWS:

1. That the “Parks and Open Space Bylaw No. 7370, 2002” be amended as follows:

(a) By deleting, from section 1.1, the definition of “Director” in its entirety and replacing it with the following:

“Director” means the Director of Civic Operations of the City of Prince George and includes any person duly authorized to act on the Director’s behalf;

(b) By adding the following definitions to section 1.1:

(b.1) “Bylaw Officer” means a bylaw enforcement officer of the City of Prince George.

(c.1) “Chattel” means any item of moveable personal property, but does not include an automobile.

(f.1) “Environmentally Sensitive Area” means any part of an Open Space Area that contains areas, or landscape or natural features, that are identified in an official plan, map, or bylaw of the City of Prince George as being:

(i) environmentally significant;

(ii) an environmental protection area;

(iii) a development permit area for protection of the natural environment.

(g.1) “Homeless Person” means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.

- (k.1) “Temporary Overnight Shelter” means a tent, lean-to, or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard, or other similar rigid or non-rigid material.

(c) By adding the following as section 2.5:

- 2.5 Without limiting the provisions of section 2.1, no person shall abandon, deposit, dispose of, store, or leave unattended any Chattel in or on any Open Space Area.

(d) By adding the following as sections 9.2 and 9.3:

- 9.2 Despite section 9.1 of this Bylaw, where there is no accessible overnight shelter accommodation available within the City of Prince George, a homeless person may erect and occupy a temporary overnight shelter in an Open Space Area identified in section 1 of Schedule “A” to this Bylaw, but subject always to:

(a) the restrictions and regulations set out in sections 2 and 3 of Schedule “A”; and

(b) the regulations set out in section 9.3 of this Bylaw.

- 9.3 A temporary overnight shelter permitted under section 9.2 must not be erected or occupied before 7:00 p.m. on any one day, and must be taken down and removed from the Open Space Area before 9:00 a.m. on the next day following.

(e) By adding the following as sections 20.2 to 20.7:

- 20.2 The Director or a Bylaw Officer, may remove, seize, and impound, or cause the removal, seizure, or impoundment of, any Chattel that has been abandoned, deposited, disposed of, stored, or left unattended in an Open Space Area contrary to section 2.5 of this Bylaw.

- 20.3 After the removal, seizure, or impoundment of a Chattel under section 20.2 of this Bylaw, a person entitled to its possession may obtain its release by contacting the Director during regular business hours and providing the Director with satisfactory evidence that the Chattel is the property of that person.

- 20.4 The Director may cause a Chattel that has been removed, seized, or impounded under section 20.2 of this Bylaw to be sold, by public auction, to the highest bidder if:

- a) the person entitled to possession of the Chattel has not claimed it under section 20.3 within 30 days following its removal, seizure, or impoundment; and
- b) it appears to the Director that the Chattel has market value.

20.5 The Director may cause a Chattel removed, seized or impounded under section 20.2 of this Bylaw to be disposed of as garbage if:

- a) the person entitled to possession of the Chattel has not claimed it under section 20.3 within 30 days following its removal, seizure, or impoundment; and
- b) it appears to the Director that the Chattel has no market value.

20.6 Where a Chattel is sold at public auction under section 20.4, the proceeds of such sale shall be applied by the City as follows:

- a) firstly, to pay the costs of the auction;
- b) secondly, to pay all removal and storage costs incurred by the City in relation to the Chattel; and
- c) thirdly, where any surplus remains, to pay such surplus to the person entitled if that person's identity and location are known.

20.7 Where a surplus referred to in section 20.6(c) remains and the identity or location of the person entitled to it is unknown, the surplus shall be applied by the City as follows:

- a) the surplus shall be held for one (1) year following the date of the auction; and
- b) if the surplus has not been claimed by the person entitled within one (1) year of the date of the auction, the surplus shall be paid into the general revenue of the City and shall be absolutely forfeited to the City.

(f) By adding to the "Parks and Open Space Bylaw No. 7370, 2002" as Schedule "A" the Schedule "A" attached to and forming part of this Bylaw.

2. The Mayor and Corporate Officer are hereby empowered to do all things necessary to give effect to this Bylaw.

3. This Bylaw may be cited for all purposes as “City of Prince George Parks and Open Space Bylaw No. 7370, 2002, Amendment Bylaw No. 9311, 2022”.

READ A FIRST TIME THIS DAY OF , 2022.

READ A SECOND TIME AS AMENDED THIS DAY OF , 2022.

READ A THIRD TIME AS AMENDED THIS DAY OF , 2022.

All three readings passed by a decision of Members of City Council
present and eligible to vote.

ADOPTED THIS DAY OF , 2022

BY A DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND
ELIGIBLE TO VOTE.

MAYOR

CORPORATE OFFICER

Schedule "A"

Restrictions on Temporary Overnight Sheltering

1. A homeless person permitted to erect and occupy a temporary overnight shelter under section 9.2 of this Bylaw may do so only in an Open Space Area listed in the following subsection (a), and in no other Open Space Area, and subject always to the regulations under sections 2 and 3 of this Schedule "A":
 - a) *[Name, Open Space Area where section 9.2 applies].*
2. A temporary overnight shelter permitted under section 9.2 of this Bylaw must not be erected or occupied within or upon any of the following areas or facilities that are within an Open Space Area listed in section 1 of this Schedule "A":
 - a) environmentally sensitive areas;
 - b) highways or boulevards;
 - c) trails or boulevard trails;
 - d) parking Lots;
 - e) playgrounds, water parks, pools, or beaches;
 - f) flowers or shrub beds, horticultural display areas, or gardens;
 - g) skateboard bowls, tennis courts, or other sports court;
 - h) sports fields, stadiums, or dugouts;
 - i) stages or bleachers;
 - j) washroom facilities, picnic shelters, or gazebos;
 - k) recreation facilities;
 - l) roads, driveways or parking facilities.
3. A temporary overnight shelter permitted under section 9.2 of this Bylaw must not be erected or occupied in a manner that contravenes:
 - a) the regulations under City of Prince George Fire By-Law No. 4136;

- b) an order of the Fire Chief issued under the authority of City of Prince George Fire By-Law No. 4136, or the *Fire Services Act* (British Columbia).