

**DISTRICT OF SQUAMISH
CAMPING BYLAW NO. 2829, 2021**

A Bylaw to regulate camping in public places

WHEREAS Council has the authority under s. 8(3)(b), s. 46 and s. 62 of the *Community Charter* SBC 2003, c. 26 to regulate, prohibit and imposed requirements in relation to public places within the District of Squamish;

NOW THEREFORE Council, in open meeting assembled, enacts as follows:

PART 1 – GENERAL ADMINISTRATION

- 1.1 This bylaw may be cited as “District of Squamish Camping Bylaw No. 2829 2021”.
- 1.2 District of Squamish Camping Bylaw No. 2679, 2019 is hereby repealed.

PART 2 – INTERPRETATION

- 2.1 In this bylaw the following words, terms, and phrases, wherever they occur in this bylaw, have the following meaning assigned to them:

BYLAW SERVICES OFFICER means a member of the RCMP and any person appointed by the District to enforce the District’s bylaws, including a bylaw enforcement officer, which for certainty includes a community patrol officer;

CAMP means to stay overnight in a tent, vehicle, trailer or other form of shelter whether or not on a temporary or permanent basis;

CROWN LAND means land vested in or owned by the government of British Columbia, and for certainty includes forest service roads and does not include land covered by water;

DISTRICT means the corporation of the District of Squamish;

HIGHWAY includes a street, road, lane, sidewalk, bridge, viaduct and any other way open to public use, and for certainty:

- (a) includes any portion of highway right of way which has not been improved, designed or ordinarily used for vehicular traffic; and
- (b) does not include a private right of way on private property.

HOMELESS PERSON means a person who has neither a fixed address nor a predictable residence to return to on a daily basis;

MUNICIPAL CAMPGROUND means the campground operated by the District and located in Brennan Park at the 39000 block of Loggers Lane, Squamish, BC;

PARK means, whether or not the land is identified as a park by signage or any other device,

- (a) any land designated as a park on a plan of subdivision or strata plan deposited in the Land Title Office;
- (b) any municipal land dedicated or reserved by the Council as a park;
- (c) any highway closed to traffic and rededicated as a park;
- (d) any land granted to the District by the Crown for park purposes;
- (e) any land in respect of which a statutory right of way for park or public trail purposes has been granted to the District of Squamish; or
- (f) any land transferred to the District on condition that it be used as a park;

PARKING LOT means land owned or leased by the District which is open to the public for the purpose of parking motor vehicles;

PUBLIC PLACE means any land which is a Park, a Parking Lot, Crown Land, or otherwise owned or leased by the District but does not include Highway;

TEMPORARY SHELTER means any temporary structure capable of being easily disassembled and providing shelter from the elements, including any tent, lean-to, or other form of shelter constructed from a tarpaulin or plastic sheets, and for certainty a temporary shelter does not mean a vehicle or trailer.

- 2.2 All words and phrases that are not defined in this bylaw must be construed in accordance with the meanings assigned to them by the *Community Charter*, *Local Government Act* and *Interpretation Act* as the context and circumstances require. A reference to a statute in this bylaw refers to a statute of the Province of British Columbia, and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time. Words in the singular include the plural and gender specific terms include both genders and corporations. Headings in this

bylaw are for convenience only and do not define or limit the scope or intent of this bylaw. If any portion of this bylaw is found invalid by a court of competent jurisdiction, that invalid portion is severed and the remainder is deemed to continue as valid.

PART 3 - PROHIBITIONS

- 3.1 This bylaw only applies to any Park located north of the Mamquam River and to the two geographic areas indicated in blue and red in Schedule A of this bylaw.
- 3.2 Except as provided for under sections 3.3 of this bylaw, a person must not:
- (a) camp in any Public Place;
 - (b) sleep overnight in any Public Place;
 - (c) erect, construct or build, or cause to be erected, constructed or built, a tent, shelter, structure, or building in any Public Place;
 - (d) park or store a vehicle or trailer in any Public Place which is not a Parking Lot or is not Crown Land; or
 - (e) enter into or remain in the Municipal Campground between May 1 and October 15 of any calendar year.
- 3.3 Section 3.2 of this bylaw does not prohibit:
- (a) any activity expressly authorized under any written agreement with the District or under any bylaw of the District by way of a sign, permit, or written agreement;
 - (b) activities in relation to Temporary Shelters as provided for under section 4.1 of this bylaw;
 - (c) an employee, contractor, or agent of the government of British Columbia from carrying out on Crown Land their duties of an employee, contractor or agent of the government of British Columbia; or
 - (d) an employee, contractor or agent of the District from carrying out their duties of an employee, contractor or agent of the District.
- 3.4 If a person has entered or is using the Municipal Campground as authorized under a permit or written agreement of the District, and the

permit or agreement expires, is terminated, or otherwise ceases to authorize that person to remain in or use the Municipal Campground, that person must immediately:

- (a) vacate the Municipal Campground; and
- (b) remove all of their possessions from the Municipal Campground.

PART 4 – TEMPORARY SHELTERS

4.1 Notwithstanding section 3.2 of this bylaw, this bylaw does not prohibit a Homeless Person from placing, erecting, occupying or using a Temporary Shelter in a Public Place if all of the following requirements are satisfied:

- (a) the Temporary Shelter is not in any of the following locations:
 - i. a trail,
 - ii. a parcel of land where a school is located,
 - iii. the parcel of land where the District's municipal hall is located,
 - iv. the parcel of land where the District's tourism center is located, known as the "Adventure Center",
 - v. a Parking Lot,
 - vi. Rose Park,
 - vii. Stan Clarke Park,
 - viii. Brennan Park,
 - ix. the area indicated in red in Schedule A of this bylaw; or
 - x. within 20 metres of any permanent structure, building, skateboard park, playground, or playing field;
- (b) between May 1 and August 31 of a calendar year, the Temporary Shelter is placed, erected, occupied, or used only between the hours of 8:00 pm of one day and 9:00 am of the following day; and
- (c) between September 1 and April 30 of the following calendar year, the Temporary Shelter is placed, erected, occupied, or used only between the hours of 7:00 pm of one day and 9:00 am of the following day.

4.2 Any Homeless Person who has placed, erected, occupied or used any Temporary Shelter in a Public Place as provided for in section 4.1 of this bylaw must by 9:00 am of the following day:

- (a) take down the Temporary Shelter; and
- (b) remove all of their belongings, including the Temporary Shelter, from within 50 metres of where the Temporary Shelter was located the previous night.

PART 5 – ENFORCEMENT AND PENALTIES

- 5.1 This bylaw may be enforced by a Bylaw Services Officer.
- 5.2 Every person must not obstruct a Bylaw Services Officer engaged in the enforcement of this bylaw.
- 5.3 Any Bylaw Services Officer and any employee, contractor or agent of the District may remove or cause to be removed any structure, shelter, tent, vehicle, trailer, possession, chattel or other item which is in a Public Place in contravention of this bylaw, and the Bylaw Services Officer or the employee, contractor or agent of the District may then immediately dispose of the item.
- 5.4 The District may recover as a debt its costs and expenses of any removal or disposal carried out under section 5.3 of this bylaw from the owner of the applicable structure, shelter, tent, vehicle, trailer, possession, chattel or other item.
- 5.5 Any person who:
- (a) violates or fails to comply with any provision of this bylaw;
 - (b) permits, suffers or allows any action or thing to be done in violation of this bylaw; or
 - (c) fails or neglects to do anything required to be done under this bylaw,
- contravenes this bylaw, and where the contravention is a continuing one, each day that the contravention continues amounts to a separate contravention.
- 5.6 Any person who contravenes this bylaw commits an offence and upon conviction by way of a proceeding under the *Offence Act* is liable to a penalty of not less than two thousand five hundred dollars (\$2500.00) and not more than ten thousand dollars (\$10,000.00) for each offence and the costs of prosecution.
- 5.7 This bylaw may be enforced by the issuance of a bylaw notice under the Bylaw Notice Enforcement Bylaw No. 2418, 2015 or by the issuance of a municipal ticket information under the Municipal Ticket Information Bylaw No. 1832, 2004.

PART 6 – SCHEDULES

6.1 Schedule “A” is attached to and forms part of this bylaw.

READ a FIRST, SECOND, and THIRD time the ____ day of _____, 2021

FINALLY CONSIDERED and ADOPTED the _____ day of _____, 2021

Mayor

Corporate Officer