



Item
Special Meeting 2020 March 27

SPECIAL COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 24

FROM: CITY SOLICITOR **FILE:** 42000 20
DIRECTOR PARKS, RECREATION *Reference:* Parks Regulation Bylaw
& CULTURAL SERVICES Bylaw Notice Enforcement Bylaw

SUBJECT: AMENDMENT TO BYLAW NOTICE ENFORCEMENT BYLAW
(PENALTY FOR VIOLATION OF SECTION 22 OF PARKS
REGULATION BYLAW)

PURPOSE: To seek Council authorization to bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to impose a penalty for violation of Section 22 of the Parks Regulation Bylaw.

RECOMMENDATION:

1. **THAT** Council authorize the City Solicitor to bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to impose a penalty for violation of Section 22 of the Parks Regulation Bylaw.

REPORT

1.0 INTRODUCTION

As part of the City's response to the COVID-19 pandemic, the City has closed all public facilities, including recreation centres, cultural facilities and golf courses, effective 2020 March 18. Since then, the City has also made the difficult decision to close all playgrounds and sports facilities within City parks, including playing fields, tennis courts, basketball courts, baseball diamonds and lacrosse boxes, as well as public washrooms. Closure notices and signage have been placed at all of these facilities and communicated to the public through various means, including the City's website, social media and news outlets.

Despite the closures and placement of notices and signage, there remains a concern about non-compliance and the need for measures to address non-compliance. Section 22 of the City's Parks Regulation Bylaw currently prohibits persons from violating any bylaw, rule, regulation or notice of the City. However, there is currently no corresponding penalty under the Bylaw Notice Enforcement Bylaw for a violation of this provision.

The purpose of this report is to recommend an amendment to the Bylaw Notice Enforcement Bylaw in order to allow for the imposition of a \$500 penalty for violating section 22 of the Parks

To: City Manager
From: City Solicitor
Director Parks, Recreation & Cultural Services
Re: AMENDMENT TO BYLAW NOTICE
ENFORCEMENT BYLAW (PENALTY FOR
VIOLATION OF SECTION 22 OF PARKS
REGULATION BYLAW)

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Regulation Bylaw. With this amendment, the City's enforcement staff would be able to issue a Bylaw Violation Notice and \$500 penalty to those using or entering a closed City Parks facility.

2.0 POLICY CONTEXT

This report aligns with the following goals and sub-goals of the Corporate Strategic Plan:

- **A Safe Community**
 - Community amenity safety – Maintain a high level of safety in City buildings and facilities for the public and City staff

3.0 BYLAW AMENDMENT

Currently, Section 22 of the City's Parks Regulation Bylaw provides as follows:

22. No person shall violate any bylaw, rule, regulation, or notice of the Corporation.

As a result of this provision, any person who enters or uses a Parks facility that has been closed by the City in response to the COVID-19 pandemic would be in violation of Section 22 of the Parks Regulation Bylaw.

Despite the prohibition, the City currently does not have a mechanism to impose a penalty for a violation of Section 22 to further deter non-compliance with the City's closure notices. Amending the Bylaw Notice Enforcement Bylaw to include a penalty would provide the City with an additional enforcement tool to address non-compliance. The penalty amount is proposed to be \$500, discounted to \$400 if paid within 15 days. Since this penalty provision would remain in place and, in the future, apply to various types of non-compliance, it is proposed that a 50% reduction be available for a violator who enters into a compliance agreement with the City, as is available for other penalties under the Bylaw Notice Enforcement Bylaw.

It is proposed that the following be added to Schedule "A" of Bylaw Notice Enforcement Bylaw:

Burnaby Parks Regulation Bylaw 1979				
Bylaw Section		Penalty Amount	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
22	Violating City bylaw, rule, regulation or notice	500	400	YES

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4.0 CONCLUSION

In response to the COVID-19 pandemic, the City has closed various City Parks facilities. The closure affects public facilities, playgrounds and sports facilities and have been communicated through various means, including signage at the site and public notification through the City's website, social media and news outlets.

By way of Section 22 of the Parks Regulation Bylaw, it is a violation for any person to use or enter these closed facilities. In order to provide an additional enforcement mechanism, it is recommended that the Bylaw Notice Enforcement Bylaw be amended to allow for the imposition of a \$500 penalty for a violation of Section 22.

Staff recommend that Council authorize the City Solicitor bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to implement the penalty proposed in Section 3.0 of this report. The proposed amendment bylaw appears elsewhere on the Council agenda for consideration for 1st, 2nd and 3rd readings. The amendment bylaw would be effective upon final adoption by Council.



May Leung
CITY SOLICITOR



Dave Ellenwood
DIRECTOR PARKS, RECREATION
& CULTURAL SERVICES

Copied to: Director Corporate Services
Director Public Safety and Community Services