

THE MUNICIPAL SERVICES COMMITTEE
WILL MEET ON
MONDAY, MAY 8, 2017
6:30 P.M.
COUNCIL CHAMBERS, CITY HALL

Mandate - To advise Council on a broad spectrum of issues related to departmental matters

CALL TO ORDER

1. AGENDA APPROVAL

2. MINUTES

- 2.1. Minutes of the Municipal Services Committee Meeting held
January 23, 2017 1 - 3
- 2.2. Minutes of the Municipal Services Committee Meeting held
January 30, 2017 4 - 5
- 2.3. Minutes of the Municipal Services Committee Meeting held
March 13, 2017 6 - 10

3. DELEGATION

- 3.1. Sheila Malcolmson, M.P.
Derelict and Abandoned Vessels Private Members Bill - overview and
request for letter of support

4. REPORTS

- 4.1. Role and Meeting Format of Municipal Services Committee
(discussion led by Mayor Stone and Councillor Hutchins)
- 4.2. Watershed Stewardship Initiatives - Discussion 11 - 13
- 4.3. Updated Parks Usage Bylaw 14 - 36

Staff Recommendation:

That the Committee recommend that Council direct staff to prepare a new Parks Usage Bylaw.



4.4. Social Procurement Policy37 - 58

Staff Recommendation:

That the Committee:

- 1) Determine the desired community benefit of social procurement; and
- 2) Direct staff to amend the Town’s Purchasing Policy.

4.5. Proposed Poultry Bylaw.....59 - 62

Staff Recommendation:

That the Committee recommend that Council:

1. Consider its preferences with respect to the possible keeping of hens on residentially zoned properties; and
2. Direct staff to conduct a public consultation with Town residents on the desirability and possible content of an amendment to the “Animal and Poultry Bylaw 1994, No. 1136” to allow the keeping of hens on residentially zoned properties in the Town of Ladysmith.

5. COUNCIL SUBMISSIONS

6. CORRESPONDENCE - None

7. UNFINISHED BUSINESS

8. NEW BUSINESS

ADJOURNMENT



**TOWN OF LADYSMITH
MINUTES OF A SPECIAL MEETING OF THE
MUNICIPAL SERVICES COMMITTEE
MONDAY, JANUARY 23, 2017
COUNCIL CHAMBERS, CITY HALL
6:30 P.M.**

COUNCIL MEMBERS PRESENT:

Councillor Rob Hutchins (Chair)
Councillor Joe Friesenhan

Mayor Aaron Stone
Councillor Carol Henderson

Councillor Cal Fradin
Councillor Duck Paterson

COUNCIL MEMBERS ABSENT:

Councillor Steve Arnett

STAFF PRESENT:

Guillermo Ferrero
Geoff Goodall
Sue Bouma

Felicity Adams
Clayton Postings

Erin Anderson
Joanna Winter

CALL TO ORDER

Councillor Hutchins called this meeting of the Municipal Services Committee to order at 6:30 p.m.

AGENDA APPROVAL

MS 2017-001

Moved and seconded:

That the agenda for this meeting of the Municipal Services Committee be approved.

Motion carried.

NEW BUSINESS

2017 – 2021 Financial Plan

Staff gave a presentation summarizing previous budget discussions, and outlining higher level service requests and the draft 2017 Capital Budget, and responded to questions from Council.

MS 2017-002

Moved and seconded:

That the Committee recommend that Council fund the 2017 Principal Payment on the Buller Street Property with monies from the Real Property Reserve.

Motion carried.

MS 2017-003

Moved and seconded:

That the Committee recommend that Council allocate 13.5 per cent of the prior year's municipal levy to General Capital Projects and Asset Replacement.

OPPOSED: Councillor Henderson, Councillor Paterson, and Councillor Fradin.

MOTION DEFEATED.

MS 2017-004 *Moved and seconded:*
That the Committee recommend that Council use surplus funds to hire two parks students for 520 hours each to complete seasonal maintenance, weeding and trail work throughout the parks department.
Motion carried.

MS 2017-005 *Moved and seconded:*
That the Committee recommend that Council fund a new full-time Water Filtration Plant Operator IV position from Water Parcel Tax, resulting in a \$9.00 increase in parcel taxation in 2017.
Motion carried.

MS 2017-006 *Moved and seconded:*
That the Committee recommend that Council fund a new full-time Waste Water Treatment Plant Operator position from Sewer Utility Rates, resulting in an increase of \$2.57 to the monthly sewer fee base rate in 2017.
Motion carried.

MS 2017-007 *Moved and seconded:*
That the Committee recommend that Council direct staff to hire a temporary building inspector for 2017 and fund the position with surplus funds.
Motion carried.

MS 2017-008 *Moved and seconded:*
That the Committee recommend that Council allocate an additional \$25,000 for the RCMP generator from surplus, resulting in a reduction of \$5.10 in taxation.
Motion carried.

The Committee requested staff to provide a list of 2015 and 2016 capital projects carried forward and a plan for spending the capital reserve on these projects.

The Committee agreed to defer discussion of proposed postponement of capital projects and requested staff to consult with affected parties and/or user groups regarding the potential impact of postponement.

QUESTION PERIOD

Members of the public enquired about proposed change room upgrades at the Frank Jameson Community Centre and were advised that these are considered part of the ongoing maintenance of the facility.

Members of the public also enquired about the status of the

2016 request by French Street property owners that the Town consider the curbing, paving and parking designation on French Street between 1st and 2nd Avenues, and were advised that this request had been referred to the 2017 to 2021 Financial Plan deliberations, and would be reviewed.

ADJOURNMENT

MS 2017-009

Moved and seconded:

That this meeting of the Municipal Services Committee adjourn at 7:35 p.m.

Motion carried.

CERTIFIED CORRECT

Chair (Councillor R. Hutchins)

Corporate Officer (J. Winter)

Subject to Adoption



**TOWN OF LADYSMITH
MINUTES OF A SPECIAL MEETING OF THE
MUNICIPAL SERVICES COMMITTEE
MONDAY, JANUARY 30, 2017
COUNCIL CHAMBERS, CITY HALL
6:33 P.M.**

COUNCIL MEMBERS PRESENT:

Councillor Rob Hutchins (Chair)
Councillor Cal Fradin
Councillor Duck Paterson

Mayor Aaron Stone
Councillor Joe Friesenhan

Councillor Steve Arnett
Councillor Carol Henderson

STAFF PRESENT:

Guillermo Ferrero
Geoff Goodall

Felicity Adams
Clayton Postings

Erin Anderson
Joanna Winter

CALL TO ORDER

Councillor Hutchins called this special meeting of the Municipal Services Committee to order at 6:33 p.m.

AGENDA APPROVAL

MS 2017-010

Moved and seconded:

That the agenda for this meeting of the Municipal Services Committee be approved.

Motion carried.

NEW BUSINESS

2017 – 2021 Financial Plan

Staff gave a presentation summarizing previous budget discussions, and the draft 2017 Capital Budget, and responded to questions from Council.

Council requested that staff provide a comparison of the cost to the average household of assessment-based taxation in 2016 and 2017, and of water and sewer rates in 2016 and 2017.

MS 2017-011

Moved and seconded:

That the Committee recommend that Council direct staff to reduce funds set aside for capital projects from 10 per cent of previous years' taxation to 8 per cent in 2017.

Motion carried.

PUBLIC INPUT

Members of the public enquired about a Public Art Strategy proposed for 2018, and requested that perhaps it could be moved to 2017. A member of the public enquired about the status of the Town's signage strategy, and was advised that the Town continues to seek grant funds to complete installation of all signs, while installing signs as and when funds permit.

ADJOURNMENT

MS 2017-012

Moved and seconded:

That this meeting of the Municipal Services Committee adjourn

at 7:53 p.m.
Motion carried.

CERTIFIED CORRECT

Chair (Councillor R. Hutchins)

Corporate Officer (J. Winter)

Subject to Adoption



**TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF THE
MUNICIPAL SERVICES COMMITTEE
MONDAY, MARCH 13, 2017
COUNCIL CHAMBERS, CITY HALL
6:30 P.M.**

COUNCIL MEMBERS PRESENT:

Councillor Rob Hutchins (Chair)
Councillor Cal Fradin
Councillor Duck Paterson

Mayor Aaron Stone
Councillor Joe Friesenhan

Councillor Steve Arnett
Councillor Carol Henderson

STAFF PRESENT:

Guillermo Ferrero
Mark Hayden

Felicity Adams
Sue Bouma

Erin Anderson

CALL TO ORDER

Councillor Hutchins called this meeting of the Municipal Services Committee to order at 6:30 p.m.

AGENDA APPROVAL

MS 2017-013

Moved and seconded:

That the agenda for this March 13, 2017 meeting of the Municipal Services Committee be approved.

Motion carried.

MINUTES

MS 2017-014

Moved and seconded:

That the minutes of the Municipal Services Committee meeting held December 12, 2016 be approved.

Motion carried.

REPORTS

MS 2017-015

Ticket Bylaw, Bylaw Officer and Inspection Bylaw and Consequential Amendments

Moved and seconded:

That the Committee recommend that Council direct staff to bring forward a new Ticket Bylaw, a new Bylaw Officer and Inspection Bylaw and amendments to other bylaws, as outlined in the Staff Report dated March 13, 2017 from the Director of Development Services that will:

1. Make ticket fines available for all bylaw contraventions where using a ticket would enhance the ability to achieve compliance and streamline work;
2. Amend the offence and penalty sections of bylaws under which tickets may be issued where such sections do not properly support the issuance of tickets and/or the appropriate prescribed fines for each offence;
3. Prescribe ticket fines for all offences using the criteria set out in the Report to ensure consistent application

- across various bylaws;
4. Establish reduced ticket fines for prompt payment, where suitable, to create an incentive for violators to pay their tickets instead of ignoring or disputing them;
 5. Ensure that the appropriate Town officials and the RCMP are properly appointed and named as bylaw enforcement officers for the purpose of conducting inspections and/or issuing tickets as appropriate; and
 6. Limit the use of Offence Notices to the Streets and Traffic Bylaw and the Parks Usage Bylaw in relation to offences involving vehicles.

Motion carried.

Mark Hayden left the meeting at 6:36 p.m.

Building Inspector's Report to December 30, 2016

Moved and seconded:

MS 2017-016

That the Committee receive the Building Inspector's Reports for the months October to December, 2016.

Motion carried.

Felicity Adams left the meeting at 6:38 p.m.

Ladysmith Fire/Rescue Reports for October, November and December 2016

Moved and seconded:

MS 2017-017

That the Committee receive the Ladysmith Fire/Rescue Reports for the months October to December, 2016.

Motion carried.

Coastal Animal Control Services Reports for October, November and December 2016

Moved and seconded:

MS 2017-018

That the Committee receive the Coastal Animal Control Services Reports for the months October to December, 2016.

Motion carried.

FINANCIAL PLAN

Grants-in-Aid Deliberations

Staff introduced the 2017 Grant-in-Aid applicants and the policy related to the process.

Moved and seconded:

MS 2017-019

That the Committee recommend that Council engage in a 2018 Grants-in- Aid policy discussion.

Motion carried.

MS 2017-020

Moved and seconded:

That the Committee recommend that Council request the Cowichan Valley Regional District to administer the Grant-in-Aid funding for Victim Services in Ladysmith and request matching funds from the areas that benefit, including areas G and H and the First Nations.

Motion carried.

The Committee reviewed the requests for the 2017 Grants-in-Aid. Councillor Paterson excused himself from the meeting during consideration of the Grants-in-Aid for the Ladysmith Show and Shine, the Festival of Lights and the Ladysmith Ambassador Program, citing a possible conflict of interest. Councillor Arnett excused himself from the meeting during consideration of the Ladysmith Maritime Society Grant-in-Aid request, citing a possible conflict of interest. Councillor Hutchins excused himself from the meeting during consideration of the Ladysmith Family and Friends Grant-in-Aid request, citing a possible conflict of interest.

Moved and seconded:

That the Committee make the following recommendations to Council with respect to Grants-in-Aid for 2017:

MS 2017-021

Organization	2017 Preliminary Approval
Ladysmith Show and Shine	500
Ladysmith Festival Of Lights	15,000
Ladysmith Citizens on Patrol	1,500
Ladysmith Fire Rescue - Santa Parade	1,200
Old English Car Club Central Island Branch	250
Art Council of Ladysmith and District- Waterfront Gallery	2,000
Art Council of Ladysmith and District- Arts on the Avenue	1,500
Ladysmith District Historical IHPC	5,000
Ladysmith Little Theater	500
Ladysmith Downtown Bus. Assoc. (Shop Locally)	1,500
Ladysmith Downtown Bus. Assoc. (Old Time Christmas)	1,500
LRCA - Soup Kitchen	0
Ladysmith Ambassador Program	1,500
Ladysmith & District Marine Rescue Society	2,500
Ladysmith Maritime Society	1,500
Ladysmith Celebration Society	8,000

Ladysmith Fire Rescue - Haunted House	0
LaFF	2,500
Open Table	500
Cowichan Family Caregivers	750
Cowichan Therapeutic Riding Association	0
Cowichan Energy Alternative	0
SD#68 – Frank Jameson Bursary	1,500
<i>Late Application</i>	
Ladysmith Community Gardens Society	1,000
<i>Service Agreements:</i>	
Ladysmith & District Historical Society	23,500
LRCA - Victim Services	15,000
LRCA – Programs	25,500
Waiving of Fees	2,500
Reserve	4,900
Motion carried.	

UNFINISHED BUSINESS

MS 2017-022

Don't Close the Doors on Adult Education Proposed Resolution

Moved and seconded:

That the Committee recommend that Council pass the following resolution:

“Be it resolved that Council requests that the Mayor write a letter to Minister Andrew Wilkinson stating support for Adult Basic Education and requesting the Ministry to reinstate funding for Adult Basic Education programs and that the letter be copied to the Canadian Federation of Students BC and the Vancouver Island University Students’ Union.”

Motion carried.

MS 2017-023

Urban Star Park

Moved and seconded:

That the Committee recommend that Council refer the issue of an urban star park to the next Parks, Recreation & Culture Advisory Committee meeting.

Motion carried.

NEW BUSINESS

MS 2017-024

Communities in Bloom Program

Celebrate Canada's 150th Anniversary

Moved and seconded:

That the Committee refer to staff the Communities in Bloom

2017 Program information to determine the feasibility of participating in the competition as part of the Celebrate Canada's 150th Anniversary celebrations.

Motion carried.

**WATERFRONT DESIGN
CHARRETTE**

Mayor Stone, Councillor Hutchins and the Chief Administrative Officer provided an update on the March 10th to March 12th Waterfront Design Charrette planning weekend and the Public Drop-in Event that took place on Sunday, March 12th. They expressed gratitude and excitement for the community engagement in the charrette and at the drop-in event, the Stz'uminus Council presence, and the thoughtful process steered by staff and the consultants from Dialog. Mayor Stone gave a special thank you to Councillor Hutchins, Councillor Friesenhan and Gord Horth for their input.

ADJOURNMENT

MS 2017-025

Moved and seconded:

That this meeting of the Municipal Services Committee adjourn at 7:36 p.m.

Motion carried.

CERTIFIED CORRECT

Chair (Councillor R. Hutchins)

Corporate Officer (G. Ferrero)

WATERSHED STEWARDSHIP RESOLUTIONS

Resolution	Meeting Date	Resolution Details
CS 2016-200	Jun-06-2016	That Council continue to review alternative governance structures for watershed management and the safe provision of clean water, and continue to participate as a member of the Ladysmith and Area Watersheds Coalition
CS 2016-079	Mar-07-2016	That Council support in principle the draft "Terms of Reference" for the Ladysmith Area Watersheds Roundtable, and direct the City Manager to convey to the working group Council's comments
CS 2016-011	Jan-18-2016	That Council request staff to work with TimberWest staff to set up a tour of TimberWest lands in the Ladysmith watershed for members of Council and representatives from the public, in late spring or as convenient.
CS 2015-111	Apr-13-2015	That Council establish "Water Supply and Watershed Protection" as a focus area for 2015, and that staff be directed to identify specific actions to be taken in 2015 in addition to those identified on page 8 of the Draft Financial Plan document, including investigating options for water storage, and constructing a water filtration system.
CS 2015-066	Mar-02-2015	That the presentation regarding the proposal for a round table on watershed management be received and Council provide support in principle for the draft resolution regarding this initiative, and further that the presentation materials and draft resolution be referred to the CVRD, the Stz'uminus First Nation and Town of Ladysmith staff for review and comment.
CS 2014-118	Apr-07-2014	That Council request staff to review the matter of vehicle/ATV use in the Ladysmith watershed, as well as the recommendations contained in the correspondence from Rodney Szasz received on March 24, 2014, in consultation with the Ladysmith Sportsmen's Club and other trail users, and in the context of Oliver Brandes' "Blueprint for Watershed Governance in British Columbia".
CS 2013-448	Dec-16-2013	<p>It was moved, seconded and carried that staff be directed to consider the Couverdon boundary extension proposal under the following criteria previously endorsed by Council:</p> <ol style="list-style-type: none"> 1. Acquisition of watershed lands (Both Stocking Lake and Holland Lake) to protect the drinking water that supplies the Town, the Diamond and Saltair and the proposed service to Stz'uminus First Nation. 2. Viewscape protection (forested hills behind Ladysmith) 3. Any development must employ Smart Growth Practices and support the Town's Sustainability Vision; <p>And that staff be directed to proceed with the review of the proposed 283 hectare boundary extension proposal as outlined in the Process Schedule;</p>

Resolution	Meeting Date	Resolution Details
		And that Couverdon Real Estate be requested to present the Watershed Acquisition Proposal, Viewscape Protection Strategy and Land Use Concept Plan to Council in January 2014.
CS 2013-388	Nov-04-2013	It was moved, seconded and carried that Council provide input into the proposed amendments to the B.C. Water Act, expressing support for the work of the Province in proposing the amendments to the Act, however, citing concern at the lack of commitment to municipal ownership and management of open community watersheds in the Act, and requesting that local governments be guaranteed involvement in watershed management when such management is delegated by the province.
CS 2012-079	Mar-19-2012	It was moved, seconded and carried that the Town of Ladysmith write to the Premier, Minister of Environment, Minister of Forests, Lands and Natural Resource Operations, and Minister of Health requesting a response to part one of Union of British Columbia Municipalities Resolution 2011 B129, calling for a provincial program to facilitate local government acquisition of watershed and adjacent lands for those local governments with water systems on privately owned land.
CS 2011-265	Jun-06-2011	<p>It was moved, seconded and carried that the following resolution be approved and referred to the Union of BC Municipalities for consideration at the 2011 convention:</p> <p>WHEREAS many local governments draw surface water for their water systems, and such sources are vulnerable to degradation and pollution caused by a variety of industrial and recreational activities;</p> <p>AND WHEREAS watersheds are not recognized in legislation, leaving local governments without adequate tools to enact measures for the protection of watersheds;</p> <p>AND WHEREAS many local governments get their drinking water from sources on privately owned land;</p> <p>AND WHEREAS municipalities are experiencing changing environmental conditions;</p> <p>AND WHEREAS the provincial health authorities are increasing the requirements for the provision of clean water from local government water systems:</p> <p>THEREFORE BE IT RESOLVED that UBCM request the provincial government to develop a funding program that facilitates local government acquisition of both the watershed and adjacent land for those local governments with water systems on privately owned land;</p>

Resolution	Meeting Date	Resolution Details
		AND BE IT FURTHER RESOLVED that all activities in watersheds used for drinking water be subject to final approval and control by the major water license holders and the Ministry of Environment (MOE), and that MOE be legislatively required to ensure that the quality and quantity of water in watersheds meet provincial health requirements.
CS 2009-264	May-04-2009	It was moved, seconded and carried that a letter of invitation be sent to representatives of TimberWest inviting them to meet with Council and discuss their memorandum dated April 14, 2009 entitled " Review of Potential 2009 activities in Holland, Banon, and Stocking Lake watersheds"; and that the Town requests that they do not proceed with any activities (especially the spraying of glyphosate) until Council has had an opportunity to meet with them.
CS 2007-102	Feb-19-2007	It was moved, seconded and carried that the Town of Ladysmith and the Cowichan Valley Regional District reduce motorized access to Stocking Lake Road and Trail system by relocating access gates, adding additional fencing on key access routes, placing additional signage clearly stating that the areas is a watershed, and increasing policing in the area.
CS 2007-100	Feb-19-2007	It was moved, seconded and carried that an environmental monitoring plan, to be prepared by JS Wilson Engineering Services by February 19, 2007, be accepted by the Town of Ladysmith and the Cowichan Valley Regional District prior to any further harvesting activity in the watershed.
CS 2007-098	Feb-19-2007	It was moved, seconded and carried that the Town of Ladysmith and the Cowichan Valley Regional District jointly and officially request that Timberwest Forest Corporation adopt a corporate policy that would ensure no harvesting activities occur in the Stocking Lake watershed during winter months.
CS 2006-410	Sep-18-2006	It was moved, seconded and carried that "No Access" (Absolutely No boats, No overnight camping, No Fishing, No swimming) signs be placed in the Holland Lake watershed.

STAFF REPORT TO MUNICIPAL SERVICES COMMITTEE

From: Clayton Postings, Director of Parks, Recreation and Culture
Meeting Date: May 8, 2017
File No:

RE: Updated Parks Usage Bylaw

RECOMMENDATION(S)

That the Committee recommend that Council direct Staff to prepare a new Parks Usage Bylaw.

PURPOSE

The purpose of this staff report is to provide Council with information on the review and final draft of the updated Parks Usage Bylaw which regulates the usage of parks in the Town of Ladysmith.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

Resolution	Meeting Date	Resolution Details
CS 2016-421	Dec-19-2016	That Council refer the matter of an updated Bylaw to Regulate Parks Usage in the Town of Ladysmith to the Parks, Recreation and Culture Advisory Committee and the Protective Services Committee for review and input.

INTRODUCTION/BACKGROUND

The 2016 Parks, Recreation and Culture Master Plan contained a number of recommendations relating to Parks Usage Bylaw 1882 and its parent bylaw Parks Usage Bylaw 1995, No. 1158. In addition, there have been a number of recent recommendations from the Protective Services Committee regarding park activities, which are not included in the current Bylaw. These recommendations include hours of access into parks, fire permits and parking restrictions.

Other matters to be addressed in an updated Parks Usage Bylaw include the following:

- Updated definitions and interpretation section
- Updated exemptions (staff, volunteers, contractors)
- Hours of use (parks are closed to use except during posted open hours)
- Specified use of BBQs and fire permits
- Updated Special Use Permits requirements



- Smoking in parks restrictions
- Public conduct in parks

The updated Parks Usage Bylaw was referred to and reviewed by the Protective Services and the Parks, Recreation and Culture Advisory Committees and each has provided input and recommendations on the proposed bylaw.

The following summarizes their feedback and recommendations received from the Committees for Council's consideration.

Protective Services Committee comments:

The Committee supported the updated draft Bylaw specifically as it relates to afterhours restrictions to parks, restricting overnight parking in parks and providing a clear definition of fires restrictions in parks.

Parks, Recreation and Culture Advisory Committee comments:

- Narrow the definition of Parks to exclude areas that do not have the same rules or restrictions such as boulevards
- Include a definition for wheelchairs and scooters
- Change Section 16 to read: A person shall not smoke, use electronic cigarettes or similar within a park unless in a designated smoking area
- Permit dogs access to the waterfront in a location at Transfer Beach
- Add food or retail selling permit
- Add overnight parking permit

SCOPE OF WORK

At Council's direction, staff will prepare a new Parks Usage Bylaw consideration based on the attached draft and incorporating any recommended changes. This will also include a repeal of existing Parks Usage Bylaw 1158 and all amendments.

ALTERNATIVES

Council may choose to maintain the existing Parks Usage Bylaw 1995, No. 1158, as amended by Bylaw 1882.

FINANCIAL IMPLICATIONS

Overall, there should be minimal financial impact. Signage will be the main cost. It is expected that the cost of new signage in parks will cost approximately \$5,000. The signs will include parks hours, parking restrictions, and dog restrictions. The cost will need to be included into the 2017-2021 Financial Plan.

LEGAL IMPLICATIONS

The draft Bylaw will be reviewed by the Town's Corporate Services Department to ensure it is in line with existing Bylaws both within the Town of Ladysmith as well as regionally. If required the draft bylaw may be reviewed by the Town's legal counsel for comment.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Many aspects of the new Bylaw are proposed as a result of the 2016 Parks, Recreation and Culture Master Plan. The draft Bylaw has also been reviewed by the Protective Services and Parks, Recreation & Culture Advisory Committees.

It is anticipated that enacting an updated Parks Usage Bylaw will enhance public enjoyment and awareness of acceptable activities in the Town parks; therefore, will be received positively by members of the public. A well-defined bylaw and appropriate signage will assist in helping the public understand the restrictions relating to uses within Town parks.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

An updated Parks Usage Bylaw will require participation and enforcement from the Parks Department, Development Services (Bylaw compliance), and Recreation staff. As well Parks and Recreation staff will be involved in ongoing community education and awareness.

The Parks Usage Bylaw is referred to in other Town Bylaws which may require updating, In addition, it will be important to ensure consistency with future Bylaws such as the proposed Clean Air Bylaw.

RESOURCE IMPLICATIONS

It is anticipated that an updated Parks Usage Bylaw will promote greater bylaw compliance resulting from clarity of the bylaw. In addition, the RCMP have indicated that an updated bylaw will provide RCMP members the ability to police and enforce the bylaw, which they are currently unable to do due to inconsistencies or omissions in the existing bylaw.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

This aligns with Sustainability Pillar #7 -- Healthy Community

ALIGNMENT WITH STRATEGIC PRIORITIES

This aligns with Council's Strategic Priorities Natural and Built Environment and Communications and Engagement.

SUMMARY

The Town of Ladysmith strives to ensure greater safe use and access along with environmental protection of the Town parks and park facilities. The intent of an updated Parks Usage Bylaw is to provide all visitors to the Town parks and facilities with

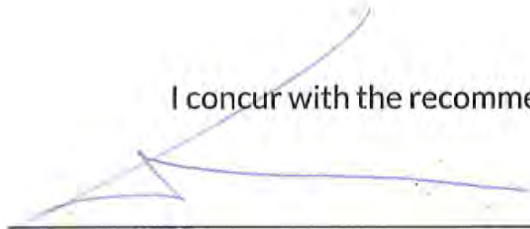
information on park etiquette, appropriate conduct and potential sanctions relating to activities held in parks



Clayton Postings, Director of Parks, Recreation and Culture

May 2, 2017

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

Appendix A - Draft Updated Parks Usage Bylaw

Appendix B - Parks Usage Bylaw 1158

Appendix C - Parks Usage Bylaw 1882 (amendment to Parks Usage Bylaw 1158)

TOWN OF LADYSMITH

BYLAW NO. ####

A BYLAW TO REGULATE PARKS USAGE IN THE TOWN OF LADYSMITH

WHEREAS the Council may by bylaw, establish regulations, prohibitions and requirements with respect to the management, maintenance, improvement, operation and use of parks and trails and other land the Town holds for the purpose of parks;

NOW THEREFORE the Council of the Town of Ladysmith, in open meeting assembled, **HEREBY ENACTS** as follows:

Contents

- 1 Citation
- 2 Definitions and interpretation
- 3 Application
- 4 Interference with officials
- 5 Prohibitions
- 6 Hours of use
- 7 Animals
- 8 Camping
- 9 Fires and burning substances
- 10 Firearms and bows
- 11 Garbage
- 12 Liquor
- 13 Park maintenance
- 14 Park permits
- 15 Traffic control devices, park rules and signage
- 16 Smoking
- 17 Storage
- 18 Vehicle and cycle control
- 19 Vessels
- 20 Damage to parks and trails
- 21 Public conduct
- 22 Fees and charges
- 23 Offences and Penalties
- 24 Bylaw offence notice
- 25 Severability
- 26 Repeal

Citation

- 1 This Bylaw may be cited for all purposes as “Town of Ladysmith Parks Usage Bylaw, 2016”, No. [#####].

Definitions and interpretation

- 2 (1) In this bylaw:

“**bow**” has the same meaning as in the *Wildlife Act*,

“**camp**” includes sleeping or staying overnight with or without a shelter,

“**common facilities**” includes anything other than natural park features such as toilets, showers, shelters, water pumps, stairs, boardwalks, decks, congregate spaces, notices or signs, bridges, trails, docks and wharves, kiosks, gates, fences, picnic tables, and benches,

“**cycle**” means a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, skate board, roller skates or in-line roller skates but does not include a wheel chair,

“**Town**” means the Town of Ladysmith,

“**Director**” means the Director of Parks, Recreation and Culture or a person designated by the Director for a specific purpose or function under this Bylaw,

“**effective control**” means a situation where a dog is accompanying a person under circumstances where

- (a) the person can see the dog, and
- (b) when the person calls the dog, the dog returns to the person within three calls,

“**firearm**” has the same meaning as in the *Wildlife Act*,

“**graffiti**” has the same meaning as in the Property Maintenance Bylaw 2015, No. 1894, except that every reference to private property is deemed to be public property and every reference to the owner of private property is deemed to be a reference to the Director,

“**leash**” means a chain or other material, suitable for control of the type and size of animal,

“**liquor**” has the same meaning as in the *Liquor Control and Licensing Act*,

“**litter**” means any garbage, cans, bottles, papers, ashes, refuse, cuttings, trash or rubbish generated by a person while in a park and engaged in activities ordinarily connected with reasonable park use,

“**natural park feature**” includes any native or non-native tree, shrub, flower, berry, bough, grass or plant of any kind; soil, sand, gravel, rock, mineral, wood, fallen timber or other living or dead natural material,

“**park**” includes

(a) a public park, play area, play lot, playground, playing field, trail, public square, green, boulevard, open space, beach, road within a park and any other public place under the care, custody and management of the Director, and

(b) a recreational or cultural facility owned, possessed or operated by the Town,

“**peace officer**” means a member of the Royal Canadian Mounted Police and includes a bylaw officer,

“**permit**” means a written authorization granted under section 14,

“**shelter**” includes a motor vehicle, recreational vehicle, trailer, tent, lean-to or any other shelter whether portable or fixed constructed of man-made or natural materials;

“**sign**” means any structure, painting, or device that identifies, describes, promotes, advertises, restricts, prohibits or directs,

“**special use**” means

(a) any commercial or non-commercial service, activity or event that is intended to attract or requires participants or spectators and includes: a festival; competition; tournament; procession, drill, performance, concert,

(b) any use of reservable common facilities in a park or on a trail,

(c) any incursion onto park property for non-park purposes including scientific research, the collection of specimens for any purpose and access for water lines, structures, road, signs or fences,

“**traffic control device**” means a sign, signal, line, parking meter, marking, space, barrier, or device placed or erected in order to control vehicular or non-vehicular traffic flow on roads, parking lots, boat launch ramps, tunnels, trails and bridges,

“**trail**” means any maintained path or trail designated for recreational use within a park or any trail outside of a park that the Town possesses or controls for recreational purposes,

"**vehicle**" means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, a mobility scooter, or a wheelchair.

"**vessel**" includes any ship, boat, seaplane, parasail, sail board, kite board, canoe, kayak, row boat, paddle boat or other device designed to be used for navigation on, in or under water.

- (2) The intent of this bylaw is to permit the reasonable use of parks by the public within the context of operating parks that are intended to provide the benefits of outdoor recreation and enjoyment for the general community and preservation and protection of natural park features.

Application

3 The following persons are exempt from this Bylaw

- (a) Town employees while carrying out their assigned duties;
- (b) volunteers working under the direct supervision of a Town employee;
- (c) Town contractors and agents while carrying out their duties when such exemption is provided in their terms of engagement.

Interference with officials

4 A person must not interfere with, hinder or obstruct the Director, a peace officer or Town employee in the exercise or performance of his or her powers, duties or functions under this Bylaw.

Prohibitions

5 No person shall

- (a) use a park contrary to any of the prohibitions or restrictions set out in this bylaw;
or
- (b) use a park for a commercial purpose or a special use unless authorized by a permit.
- (c) erect, construct or cause to be erected or constructed or placed in, on or under any place within a park any home, building, shelter, or other construction including utility services unless authorized by a permit.

Hours of use

- 6 (1) All parks are closed to use except during posted open hours.
- (2) No person shall enter or remain in a park when the park is closed to use.

Animals

- 7 (1) A person shall not ride, lead, or have charge of any horse or other riding animal in a park except:
- (a) in areas designated for such activities by a sign or traffic control device,
 - (b) as permitted by the Director, or
 - (c) as directed by a peace officer in an emergency situation.
- (2) No person shall cause or allow any animal owned or under the control of that person to be, or remain, at large in a park or unless authorized by a sign or a permit.
- (3) No person shall molest, disturb, frighten, harass, injure, kill, catch, or trap any animal in a park or unless permitted by the Director.
- (4) A person who enters or is within a park with a dog shall
- (a) keep the dog under effective control at all times,
 - (b) ensure the dog is firmly held on a leash not exceeding 2.4 m in length, or a retractable lead not exceeding 8 m in length when fully extended,
 - (c) restrain or remove the dog from a park when requested by an animal control officer, peace officer or the Director,
 - (d) carry at all times and use as required by this Bylaw or any other bylaw, a leash and collar for each dog, and
 - (e) ensure that the dog does not defecate within the Park unless the excrement deposited by that dog is immediately removed and disposed of in a lawful manner.
- (5) Despite subsection (4)(b), the owner of a dog may allow the dog to be in an off leash area of a park included in Schedule A without being firmly held if
- (a) the dog is in the area during the times listed in Column 2 of the table in Schedule A opposite the name of the park in Column 1,
 - (b) the dog is under the effective control of a competent person,
 - (c) the off leash area is not being used under a permit issued by the Director, and
 - (d) the off leash area has not been closed by the Director.
- (6) No person shall cause or allow a dog to enter or be in any playground, the playing

area of any sports field, or within Transfer Beach Park below deKoninck Way including the amphitheatre and beach within the park.

Camping

8 No person shall use a park for the purpose of camping except as authorized by a permit.

Fires and burning substances

- 9
- (1) A person shall not kindle, build, light, maintain, or use any fire at any location in a park other than a fire in a fire ring or receptacle provided for that purpose as authorized by a sign or a permit.
 - (2) A person shall not throw or place upon the ground or otherwise dispose of in a park any lighted material, cigar, cigarette or other burning substance.
 - (3) A person shall not kindle, build, light, maintain, or use any fire at any location in a park in a manner that contravenes:
 - a) fire restrictions that are in effect under the *Wildfire Act* (British Columbia); or
 - b) any other applicable Town bylaw.
 - (4) The prohibition in subsection (3) does not apply to a person using a portable hibachi, barbecue, or propane stove in an area of a park where a sign or permit allows such use and the person complies with any conditions or restrictions on the sign or in the permit.
 - (5) No person shall within a park leave a fire unattended or leave a stove, barbecue or other flame producing cooking device of any kind unattended while it is lit or turned on.
 - (6) No person shall burn any prohibited material, as specified under the Fire Prevention Bylaw 2013, No. 1815, in a park.

Firearms and bows

- 10 No person shall carry or discharge
- (a) a firearm, or
 - (b) a bow, in a park unless authorized by a permit.

Garbage

- 11 (1) No person shall deposit or leave any litter or other waste anywhere in a park except in a waste receptacle provided by the Town for that purpose.

- (2) Except for the disposal of litter into waste receptacles as set out in subsection (1), no person shall dispose of any refuse or other waste in a park.
- (3) No person shall transport household, yard or commercial waste into a park for the purpose of disposal.

Liquor

- 12** No person shall possess or consume liquor in a park
- a) except where the liquor is possessed and consumed pursuant to and in compliance with, a license issued under the *Liquor Control and Licensing Act*; and
 - b) the person has obtained all required permits for the consumption of liquor, including a permit under this Bylaw.

Park maintenance

- 13** (1) The Director is authorized to close any park or portion of a park for the purpose of undertaking works to construct, improve, restore or repair any natural park feature or common facility.
- (2) No person shall enter or use a park or portion of a park that has been closed under subsection (1) when a sign setting out the closure has been posted at the entrance to the park.

Park permits

- 14** (1) No person shall conduct, promote, carry out or undertake any activity within a park that constitutes a special use unless they first apply for and obtain a permit under this section.
- (2) The Director may undertake one or more of the following actions upon receipt of an application for a permit
- (a) grant the application;
 - (b) refuse the application;
 - (c) consult with any person or body in relation to the application;
 - (d) impose terms and conditions as set out in subsection (4) for obtaining and holding the permit; and
 - (e) refer the application to the Council for determination.

-
- (3) A person must pay the applicable permit fee, pay a damage deposit and provide proof of liability insurance if required as a condition of the permit.
- (4) The Director may impose one or more of the following terms and conditions when issuing a permit:
- (a) specifying the location and times during which the special use may be carried out;
 - (b) requiring the applicant supply additional services necessary for the special use, including but not limited to, sanitary, health, emergency, security, traffic control and police services;
 - (c) restricting the number of persons who may attend or participate in the special use;
 - (d) restricting the use of generators, amplification and public address systems, the playing of live or recorded music, and the placement of temporary structures associated with the special use;
 - (e) requiring the applicant provide a damage deposit;
 - (f) requiring the applicant provide proof of liability insurance in an amount and in a form approved by the Director; and
 - (g) specifying terms and conditions considered necessary for the protection of the park or trail, other users of the park or trail, participants in the special use and for the prevention of nuisances or disturbances to the surrounding area.
- (5) The Director may refuse to issue a permit if
- (a) the proposed special use does not conform to Town park use policies or to any Park Management Plan that is in place for that park;
 - (b) the proposed special use may cause damage to a park, any natural park feature, or any common facility or structure within a park;
 - (c) the applicant does not agree to indemnify and save harmless the Town from and against any damages or claims that arise from the special use;
 - (d) the applicant refuses or fails to obtain liability insurance as set out in (4)(f) above;
 - (e) the applicant fails or refuses to provide written agreement to abide by the terms and conditions of the permit; or
 - (f) the applicant fails or refuses to remit a damage deposit as required in (4)(e) above.
- (6) If the Director refuses an application for a permit under this section, the person seeking permission may request that Council reconsider the Director's refusal.

- (7) A request for reconsideration under subsection (6) must be submitted in writing to the Corporate Officer within seven days of the Director's refusal.
- (8) If the holder of a permit fails to comply with this Bylaw or the terms and conditions of the permit, in addition to any other enforcement action or penalties, the Director may do one or more of the following
 - (a) suspend or revoke the permit;
 - (b) require the permit holder to pay the Town's costs in undertaking any remedial work necessary to repair any damage to the park or common facilities or a natural park feature; and
 - (c) withhold the damage deposit paid by the permit holder and apply the damage deposit towards the costs incurred by the Town in performing the remedial work.

Traffic control devices, park rules and signage

- 15 (1) The Director may erect a sign or other traffic control device specifying an area in which specific activities are permitted, prohibited or restricted in a park.
- (2) Every person must observe and obey every prohibition and restriction announced by the sign or traffic control device erected under subsection (1).

Smoking

- 16 A person shall not smoke, use an electronic cigarette or similar device, within a park.

Storage

- 17 No person shall leave, abandon or store any thing in a park including, but not limited to, vehicles, vessels, chattels or waste materials of any kind, except with written permission of the Director.

Vehicle and cycle control

- 18 (1) No person shall within a park
 - (a) operate a vehicle or cycle below the natural boundary or high tide mark off a designated road way, or in such a manner as to disturb a natural park feature;
 - (b) operate a vehicle or cycle except on a public road or trail designated for such use by a sign unless the use has been authorized by a permit;
 - (c) operate or cause to be operated, pushed or towed, an off road vehicle, as defined in the *Off Road Vehicle Act*, unless such use is authorized by a sign

- or a permit;
- (d) stop, park or station a vehicle on any public road or right-of-way in such a manner
 - i. as to impede the flow of traffic on a public road,
 - ii. as to interfere with or damage a natural park feature, or
 - iii. that restricts or inhibits public recreational use of a park;
 - (e) park or leave a vehicle in a park or in a parking lot within a park during the times when the park is closed to use;
 - (f) clean, repair or carry out maintenance on a vehicle within a park;
 - (g) park, stop or station a vehicle or cycle in an area prohibited by, or contrary to, a sign or traffic control device; or
 - (h) park a vehicle within a park for a purpose other than visiting the park.
- (2) Unless otherwise posted, no person shall operate a vehicle in a park or on a trail at a greater speed than 10 kilometers per hour.
- (3) The Director or a peace officer may impound and remove any
- a) vehicle or cycle that is parked or stationed in violation of this bylaw,
 - b) thing that is left, stored or abandoned in a park contrary to section 17, or
 - c) other thing found in a park that is causing a nuisance or obstruction.
- (4) Any vehicle or other thing impounded under subsection (3) is to be dealt with according to the provisions contained in the Streets and Traffic Bylaw 1998, No. 1309.
- (5) No person, except the holder of a permit granting an exemption, shall within a park
- (a) park a vehicle anywhere except in a designated parking area;
 - (b) park or station a vehicle in such a manner as to impede the proper use of a road or parking area; or
 - (c) park or station a vehicle, cycle or vessel in contravention of a sign or traffic control device.

Vessels

19 No person shall in a park

- (a) launch or remove a vessel from a body of water except:
 - (i) from a designated boat launch ramp, or
 - (ii) by physically carrying, and not dragging, the vessel to and from the water;
- (b) be off a designated roadway or interfere with natural park features in order to launch a vessel;
- (c) operate a vessel within an area designated by signs or buoys for swimming

or along the waterfront in a way that will endanger, disturb or otherwise interfere with the free use of the water for the purpose of bathing and swimming except in the immediate vicinity of a boat launch and for the purpose of approaching or moving away from the boat launch on a line perpendicular to shore;

- (d) operate a vessel in a manner that impedes or endangers pedestrian movement along a beach or foreshore;
- (e) moor a vessel to dry land; or
- (f) moor a vessel to a wharf, dock, piling or post contrary to a sign.

Damage to parks and trails

- 20
- (1) No person shall remove, destroy, cut or damage any natural park feature, or any building, structure, or common facility in a park except as authorized by a permit.
 - (2) No person shall cut down, prune or remove any tree or any part of a tree in a park except as authorized by a permit.
 - (3) No person shall construct or otherwise create or alter any trail within a park except as authorized by the Director.
 - (4) No person shall travel in an undeveloped area within a park except on a trail, roadway or other area that is designated for travel by signs; or in a map or brochure published by the Town.
 - (6) No person shall erect, build, place or install any permanent or temporary structure or facility within a park unless authorized in writing by the Director.
 - (7) No person shall discharge water from any tap, pipe, hose or other fixture within a park so that the water is wasted.
 - (8) No person shall place graffiti or cause graffiti to be placed anywhere within a park or trail.
 - (9) A person who damages, removes, cuts or destroys a natural park feature, common facility, or a building or structure in a park without the written permission of the Town, may be required to replace that natural park feature, common facility, building or structure with one of similar value, or to pay an equivalent amount to the Town, upon demand issued under the authority of the Director or Council.

Public Conduct

- 21 (1) A person must not do any of the following activities in a park:

- (a) behave in a disorderly or offensive manner;
 - (b) molest or injure another person or their property;
 - (c) obstruct the free use and enjoyment of the park by another person;
 - (d) paint advertisements;
 - (e) distribute handbills for commercial purposes;
 - (g) place posters;
 - (h) disturb, injure, catch or attempt to catch an animal; or
 - (i) hinder, interfere with or obstruct the holder of a permit under this Bylaw from lawfully conducting the activities authorized by the permit.
- (2) No person in a park except the holder of a permit granting specific exemption shall make or cause to be made any noise which would violate the Noise Suppression Bylaw 2003, No. 1478.

Fees and charges

- 22 All fees associated with use of parks shall be set out in the Frank Jameson Community Centre and other Recreational Facilities Fees Bylaw.

Offences and penalties

- 23 (1) A person who commits an offence is subject to the penalties imposed by **this Bylaw**, the Ticket Utilization Bylaw and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
- (3) The maximum fine that may be imposed for a contravention of this Bylaw is \$10,000.

Bylaw offence notice

- 24 (1) A Notice of Bylaw Infraction, as authorized under the *Community Charter*, may be delivered to person by a Peace Officer who has reason to believe that the other person has committed an offence under this Bylaw.
- (2) A Notice of Bylaw Infraction may be delivered by
- (a) leaving it on the vehicle with which the Notice is concerned, or
 - (b) giving it to the person who is believed to have committed an offence.
- (3) A Notice of Bylaw Infraction may indicate the alleged offence and the amount of

the voluntary penalty, including a fine reduction for early payment, that may be paid to the Municipality in respect of the alleged offence.

- (4) A prosecution must not be started for the alleged offence described in a Notice of Bylaw Infraction if the voluntary penalty for that alleged offence is paid in accordance with this Bylaw before an information is sworn and a summons is issued.
- (5) The voluntary penalties referred to in subsection (3) are prescribed in Schedule "B"

Severability

25 If any provision of this bylaw is held to be beyond the power of the Town or otherwise invalid by any court of competent jurisdiction, then the provision may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

Repeal

26 The Parks Usage Bylaw 1995, No. 1158 and all amendments are repealed.

READ A FIRST TIME on the _____ day of _____ ,

READ A SECOND TIME on the _____ day of _____ ,

READ A THIRD TIME on the _____ day of _____ ,

ADOPTED on the _____ day of _____ .

Mayor

Corporate Officer

SCHEDULE A

Dog Off Leash Areas and Times [Section 7(5)]

Column 1 - Park	Column 2 - Times
Transfer Beach Park (area defined by signs above deKoninck Way)	Year Round
Mackie Park	Year Round
Holland Creek Trail	Year Round
Gourlay-Janes Park	Year Round
Davis Road Fenced Dog Park	Year Round

SCHEDULE B

FINE SCHEDULE [Section 24]

The indicated penalties for alleged offenses committed against this Bylaw where a Notice of Bylaw Infraction is issued are as follows:

ITEM	DESCRIPTION	SECTION	SET FINE	FINE IF PAID WITHIN 30 DAYS
1	Disobey sign/traffic control device	15(2)	\$100.00	\$50.00
2	Abandon vehicle in park	17	\$125.00	\$75.00
3	Unlawful stopping/parking	18(d)	\$75.00	\$25.00
4	Park during closed hours	18(e)	\$75.00	\$25.00
5	Park contrary to sign/traffic control device	18(g)	\$75.00	\$25.00
6	Park for improper purpose	18(h)	\$75.00	\$25.00
7	Park where prohibited	18(5)(a)	\$75.00	\$25.00
8	Park impeding traffic	18(5)(b)	\$100.00	\$50.00
9	Park contrary to sign/traffic control device	18(5)(c)	\$75.00	\$25.00

TOWN OF LADYSMITH

BYLAW NO. 1158

WHEREAS pursuant to the Municipal Act, R.S.B.C. 1979, Chapter 290, Section 679, the Council may by bylaw make rules and regulations governing the management, maintenance, improvement, operation, control and use of property held for pleasure, recreation or community uses of the public;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled, enacts as follows:

PART ONE - INTERPRETATION

1.1 **"Building"** means a structure wholly or partly enclosed by a roof or roofs supported by walls, columns or posts;

"Campgrounds or Recreation Vehicle Campgrounds" means a use providing for the temporary accommodation of travellers in trailers or tents; excluding a mobile home park or motel, a hotel or an auto court;

"Director of Parks, Recreation and Culture" means the person appointed to such position by the Council of the Town of Ladysmith, or his/her designate;

"Director of Public Works" means the person appointed to such position by the Council of the Town of Ladysmith, or his/her designate;

"Greenbelt" means areas with outdoor recreation and/or conservation qualities;

"Park" means and includes all community parks, playgrounds, beaches, trails, landscaped areas, community centres, tennis courts, and all community recreation or cultural facilities within the Town of Ladysmith;

"Scenic Area" means open space areas, coastal or mountain landforms and other areas within the Town of Ladysmith having unique or outstanding scenic value;

"Silviculture" means the act or procedure of producing and tending a treed area;

"Vehicle" means and shall include all forms of conveyance for the carriage or transport of persons, passengers, goods or materials whether drawn by animal or propelled by any mechanical device or other motive power whatsoever, and shall include bicycles and motorcycles.

PART TWO - BASIC PROVISIONS

2.1 This bylaw shall be applicable to all parks, greenbelts and publicly owned scenic areas under the jurisdiction of the Town of Ladysmith.

2.2 No person shall in any park, greenbelt or publicly owned scenic area, including beaches, without the authority of the Town of Ladysmith,

- a) remove, cut, destroy or damage any tree, shrub, plant, turf or flower without permission;
- b) damage or deface any building, structure, fence, sign, seat, bench or ornament of any kind;
- c) foul or pollute any area of water;

- d) cross, travel on, use or walk upon any grassed plot, treed area under silviculture management, or other lands where signs have been posted forbidding any such use;
- e) deposit any waste or offensive matter or other substance of any kind into or upon any park, except in receptacles provided for such purpose;
- f) take up temporary abode overnight within any park;
- g) obstruct the free use and enjoyment of any park or facility therein by any other person;
- h) hinder, deter or interrupt any person in the exercise of any of their duties in charge of any organized recreation authorized by the Town of Ladysmith;
- i) let off, turn on, or discharge any water so that the water runs to waste out of any tap, pipe, hose or other fixture within any park;
- j) drive any vehicle in such a manner as to disturb the enjoyment of the park by other persons;
- k) drive any vehicle at a greater speed than 10 kilometres per hour in any park unless otherwise posted;
- l) drive any vehicle anywhere other than the respective driveway or designated area provided for such purpose, except for emergency vehicles;
- m) ride, lead or drive a horse except on paths provided for that purpose;
- n) permit any animal or fowl under their ownership or custody to run at large in any park area, except for Dogwood Days related events under the direction and control of the sponsor of celebration activities in Transfer Beach park;
- o) dogs must be leashed and in the care and control of a responsible person at all times while on all community property held for pleasure, recreation or community use of the public, except for Transfer Beach Park where dogs are prohibited;
- p) bring any dog or other pet to any park that is posted as prohibiting their presence;
- q) operate, drive or propel in any park any advertising vehicle without permission of the Council of the Town of Ladysmith;
- r) deposit or remove any material or debris of any kind, into, from or within any park without permission of the Council of the Town of Ladysmith;
- s) molest, injure, trap or snare any bird or animal;
- t) sell or expose for sale any refreshment or any article without permission of the Council of the Town of Ladysmith;
- u) make or set a fire, except in areas provided, or throw or place upon the ground any lighted materials, cigar, cigarette or other burning substance; and all fires will be prohibited due to fire restrictions during fire season in accordance with Provincial Government regulations;
- v) erect, construct, or cause to be erected or constructed or placed in or on any boulevard, driveway, roadway, path, trail or parking area or any other place within any park, greenbelt or publicly owned scenic area, any tent, trailer, mobile home, building shelter, pavilion or other construction;
- w) play or practice golf.

- 2.3 Any person receiving such permission shall at all times be subject to the conditions imposed, and the onus shall at all times be on the person receiving such permission to duly carry out all conditions thereby imposed, and every such person shall save harmless and indemnify the Town of Ladysmith from and against any and all claims, demands, suits or compensation of whatsoever kind arising either directly or indirectly out of the permission thereby granted, and shall likewise be subject to such further conditions, regulations and orders as may be imposed by the Town of Ladysmith.
- 2.4 Transfer Beach Park and its roadways shall be closed from 8:00 p.m. to 6:00 a.m. from November 1st to March 31st and from 10:00 p.m. to 6:00 a.m. April 1st to October 31st annually, except as may be approved by the Director of Parks, Recreation and Culture. Appropriate signs and gates may be installed under the direction of Council.
- 2.5 All motor vehicles are prohibited from operating in all parks, except for licensed motor vehicles on roads constructed for such purpose, subject to section 2.4 of this bylaw. For the purposes of this bylaw, motor vehicle means a vehicle that is designed to be self-propelled and includes dirt bikes, motorcycles and all-terrain vehicles.

No person shall operate a motor vehicle upon any park within the municipality except:

- (a) for the purpose of carrying out work on such property first authorized by the Director of Public Works, or
- (b) upon a roadway constructed upon the park or other property for the purpose of carrying motor vehicles or providing for the parking of motor vehicles.

2.6 Playgrounds and Courts

The following regulations shall apply to all playground and courts within the park:

- (a) the playing of any games on any court within any park or playground may be restricted with one week's notice;
- (b) no person shall willfully, maliciously or carelessly damage or destroy the utility of any court or playground, or in any way interfere with or obstruct the free use thereof by those lawfully entitled to the use of same.

2.7 Beaches

The following regulations shall apply to all beaches within the jurisdiction of the Town of Ladysmith:

- (a) no person shall use any boat, motor boat, sea sled or other contrivance or thing within 25 metres of any beach or other area restricted by the Ministry of Transport that will endanger, disturb or otherwise interfere with the free use of the water for bathing and swimming purposes;
- (b) no person shall drive any vehicle on the beach area except with the permission from the Council of the Town of Ladysmith;
- (c) a person must have care, control and on a leash, any dog on any dock, pier or other waterfront apparatus.

PART THREE - SPECIAL USE PERMITS

- 3.1 Any special use permits will be recommended by the Director of Parks, Recreation and Culture for approval by the Council of the Town of Ladysmith.

PART FOUR - PENALTIES

4.1 Any person who violates the provisions of this bylaw is liable to the maximum penalties as set out in the Offence Act. Each day that such violation is caused or permitted to continue constitutes a separate offence.

PART FIVE - REPEAL OF PREVIOUS BYLAWS

5.1 "Parks Usage Bylaw 1987, No. 886" and all amendments thereto is hereby repealed.

PART SIX - CITATION

6.1 This bylaw may be cited as the "Parks Usage Bylaw 1995, No. 1158".

READ A FIRST TIME on the 15th day of MAY, 1995


READ A SECOND TIME on the 15th day of MAY, 1995

READ A THIRD TIME on the 5th day of JUNE, 1995

ADOPTED on the 19th day of JUNE, 1995.



Mayor



Clerk

I hereby certify the above to be a true and correct copy of "Parks Usage Bylaw 1995, No. 1158".



Clerk

TOWN OF LADYSMITH

BYLAW NO. 1882

A bylaw to amend "Ladysmith Parks Usage Bylaw 1995, No. 1158".

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Amendments

Section 2.2(o) is hereby deleted in its entirety and replaced with the following:

- o) permit any dog under their ownership or custody to be in a park off leash with the exception of defined restricted areas. Restricted areas include the following:

Dogs **are not** permitted in: all playgrounds, sport field playing areas, and Transfer Beach (below deKoninck Way, amphitheatre, beach front),

Dogs **are** permitted off leash provided they are in the care and control of a responsible person in: Transfer Beach Park in defined off leash area (above deKoninck Way), Mackie Park and Holland Creek Trail, Gourlay-Janes Park.

2. Citation

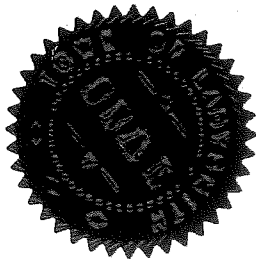
This bylaw may be cited for all purposes as "Ladysmith Parks Usage Bylaw 1995, No. 1158, Amendment Bylaw 2015, No. 1882".


READ A FIRST TIME on the 20th day of July, 2015

READ A SECOND TIME on the 20th day of July, 2015

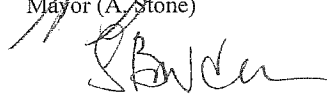
READ A THIRD TIME on the 20th day of July, 2015

ADOPTED on the 17th day of August, 2015





Mayor (A. Stone)



Corporate Officer (S. Bowden)

STAFF REPORT TO MUNICIPAL SERVICES COMMITTEE

From: Erin Anderson, Director of Financial Services
Meeting Date: May 8, 2017
File No:

RE: Incorporate Social Procurement into Purchasing Policy

RECOMMENDATION(S)

That the Committee:

- 1) Determine the desired community benefit of social procurement; and
- 2) Direct staff to amend the Town’s Purchasing Policy.

PURPOSE

The purpose of this report is to confirm the desired community benefit from social procurement.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

Resolution	Meeting Date	Resolution Details
CS 2016-245	Jul-04-2016	That Council: 1. Direct staff to incorporate Social Impact language into the Town’s Purchasing Policy for consideration at an upcoming meeting of the Committee.

INTRODUCTION/BACKGROUND

Social Procurement is defined as utilizing existing purchasing power to achieve social impact or value. It moves beyond the simple “best value” in procurement to further encourage suppliers to demonstrate community benefits in their contract or bid.

Cumberland was the first municipality in BC to develop a Social Impact Framework (Appendix A). Their framework explains the basis for the Social Procurement and details the goals the community benefit will work to address:

- contribute to a stronger local economy;
- increase diversity among suppliers;
- promote the living wage and fair employment practices;
- improve access to contracts for micro, small business and social enterprises;
- increase the number of local jobs that support young working families;
- increase social inclusion, by improving contract access for equity-seeking groups, such as social enterprises;



- enhance community arts and culture infrastructure;
- improve and enhance public spaces;
- increase training and apprenticeship opportunities;
- help move people out of poverty, providing increased independence and sustainable employment for those in need;
- improve opportunities for meaningful independence and community inclusion for citizens living with disabilities; and
- to stimulate an entrepreneurial culture of social innovation.

The Town of Qualicum Beach has also incorporated Social procurement into their Purchasing Policy (Appendix B). The focus in their policy is to encourage a social benefit:

- that attracts and retains families with young children
- that supports entrepreneurs creating sustainable economic development and new employment opportunities
- that values supply chain partners providing work experience and employment opportunities to youth aged 15 -29
- for Social Enterprises, providing work experience and employment opportunities for disadvantaged populations, or improving the arts, culture, agriculture and recreational opportunities
- that values and rewards supply chain partners with a high percentage of staff earning the living wage and receiving benefits
- that ensures that supply chain partners are contributing to the advancement of the community socially, economically (including agriculture), culturally and environmentally

Both municipalities used Sandra Hamilton, EMBA, a Public Sector Social Innovation Advisor and Canada's first Social MBA, to develop the framework. The Town of Ladysmith undertook preliminary work with this consultant in 2015; limited resources, both financial and staff time, put this project on hold.

Other levels of government have already incorporated social procurement language into purchasing contracts.

Decisions

Before incorporating social procurement language into the Purchasing Policy, a community benefit framework must be developed. This framework will allow staff to make procurement decisions that uphold Council's desired outcomes. The desired outcomes identified by other communities are outlined in the following table. Council can use these as the basis for determining the desired outcomes for the Town of Ladysmith community benefit section in the Purchasing Policy.

Examples of COMMUNITY BENEFITS & GOALS

Town of Ladysmith Notes

Economy

- local job creation
- contribute to a stronger local economy;

Currently a Strategic Priority. A definition of local would be required. Is it just the boundary of Ladysmith or does it extend to the entire Cowichan Valley Region or all of the Vancouver Island?

Ethical Trade

- living wage through the entire supply chain
- fair employment practices;

Arts Culture

- enhance community arts and culture infrastructure;

An Arts Strategy is included in the 2017-2021 Financial Plan

Vulnerable Population

- help move people out of poverty,
- sustainable employment
- increase training and apprenticeship opportunities;

Youth (age 15-29)

- work experience & employment opportunities
- increase training and apprenticeship opportunities

A Youth Strategy is included in the 2017 - 2021 Financial Plan.

Environment

- do no harm

Currently in the Purchasing Policy.

Accessibility

- improve and enhance public spaces;
- improve opportunities for meaningful independence and community inclusion for citizens living with disabilities; and

Young Families

- increase the number of local jobs that support young working families;
- attract and retains families with young children

Once Council has determined the Town’s own community benefit goals, they will be incorporated into the Purchasing Policy.

Purchasing Policy

The Town’s Purchasing Policy will require an amendment to add Social procurement language. It is recommended that a Social Impact Factor between 5% and 15% of the total evaluation be added, depending on the valuation of the Tender, RFP, or RFQ (bid documents). What this will do is add an additional weighting to the evaluation of the bid documents submitted by contractors and suppliers.

Currently, bid documents are not required on purchases under \$25,000. Changing this threshold is not recommended.

Figure 1: Linking Purchasing Policy with desired Goal



Overarching domestic and international trade agreements still apply.

A draft update to the Town of Ladysmith Purchasing Policy is attached for discussion purposes (Appendix C). Decisions on the community benefit goals will be incorporated in the next version of the policy.

SCOPE OF WORK

Once Council has approved the desired Community Benefits, the Purchasing Policy will be amended and presented to Council at a later date for approval. A communications plan would be developed to notify current and potential suppliers of the change. Relevant staff will also be updated regarding any changes.

ALTERNATIVES

Council could choose not to incorporate Social procurement language into the Purchasing Policy. Council could also hire a consultant to lead the Social procurement process, although it should be noted that no funds have been allocated in the 2017-2021 Financial Plan for such a consultant.

FINANCIAL IMPLICATIONS

Overall, there should be minimal financial impact. Purchasing decisions are still made based on best overall value for the Town; this does not necessarily mean the lowest dollar value is selected.

LEGAL IMPLICATIONS

There are many legal aspects to procurement. Provincial and Federal trade agreements take priority over municipal policies.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Information will be included in bid documents and posted on the Town's website.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Finance is leading this project, although purchasing decisions have been delegated by Council through the Finance Department to the heads of other departments.

RESOURCE IMPLICATIONS

Additional time will be required to prepare bid documents as well as evaluating submissions to ensure that the desired outcomes are met.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

This aligns with Local, Diverse Economy.

ALIGNMENT WITH STRATEGIC PRIORITIES

This supports the Strategic Priority - Partnerships.

SUMMARY

Council has directed staff to include social procurement language into the Purchasing Policy. To do so, Council must determine what to include as Ladysmith's social procurement community benefit goals and to amend the Purchasing Policy.

Erin Anderson, Director of Financial Services

April 28, 2017

I concur with the recommendation.

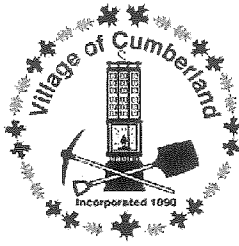
Guillermo Ferrero, City Manager

ATTACHMENT(S)

Appendix A – Village of Cumberland – Social Procurement Framework

Appendix B – Town of Qualicum Beach – Purchasing & Disposition of Assets – General – Social Procurement

Appendix C – Town of Ladysmith’s DRAFT Purchase Policy



Corporation of the Village of Cumberland

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Appendix B

The Village of Cumberland - Social Procurement Framework

“Not all profit is equal. Profits involving a social purpose represent a higher form of capitalism, one that creates a positive cycle of company and community prosperity.”

Michael Porter, Harvard Business Review, February, 2011

What is Social Public Procurement?

Social Public Procurement leverages existing purchasing to achieve social value.

Moving from do no harm, to do some good.

Over the last thirty years the environmental movement has done an excellent job of educating and increasing awareness surrounding the importance of developing more sustainable practices. This has led to considerable changes in behaviours and societal norms. Environmental considerations in government procurement have now become normalized.

Social procurement seeks to further leverage tax dollars to achieve broad societal goals, increasing equality and diversity, while contributing to improved community wellbeing through the blending of social, environmental and economic considerations in the procurement process.

Social procurement leverages the public procurement process for goods and services, to advance positive economic, workforce, and social development outcomes¹. Social procurement blends financial and social considerations in public sector purchasing to deliver against two bottom lines:

1. A commitment to purchasing the best value services and products, in keeping with the MEAT criteria, the Most Economically Advantageous Tender; and
2. A commitment to leverage limited public resources to achieve strategic community outcomes².

¹ The Cumberland Social Procurement framework was designed by Sandra Hamilton

² Adapted from Social Procurement: a Guide for Victorian Local Government. State Government of Victoria, October, 2010

³ Adapted from the Toronto Social Procurement Framework, April 2013

Why is the Village of Cumberland creating a Social Procurement Framework?

- By expanding the traditional understanding of 'best value' in procurement, to include the generation of positive societal benefits, alongside high quality and competitive bids,² the Village of Cumberland is working to maximize community benefits and deliver improved socio-economic returns for local taxpayers, within the existing spend.
- To ensure a sustainable and ethical approach to procurement, that is values aligned with the community vision, as outlined in the 2015 Corporate Strategic Priorities document, and constructed to support the strategic priorities.
- To promote diversity and innovation through supply chain partnerships.
- To stimulate growth and build the capacity of social enterprises in the community.
- To align procurement with consideration for People, Planet and Profit.

What are the key pillars guiding Social Procurement in Cumberland?

1. The procurement process will continue to meet all the principles of fairness, integrity, accountability and transparency, while also screening for transformational opportunities to improve social outcomes.
2. The procurement framework continues to evaluate:
1) Quality 2) Price 3) Environmental, while adding the fourth component of 4) Social

Evaluation criteria and weightings will vary by contract; the criteria will be specific to the nature of the procurement and clearly stated in the procurement documents.

3. In advance of carrying out any procurement, the framework imposes a duty on the public sector buyer to consider how the purchase might be better leveraged, to improve the economic, social or environmental wellbeing of Cumberland; to improve access for micro, small businesses and/or social enterprises; or to promote innovation³. This duty includes an understanding that the Village will engage in reasonable outreach to engage equity-seeking businesses (those working to integrate the marginalized back into society) in procurement opportunities.
4. Village procurement will continue to be compliant with the obligations set out in both Domestic (New West Partnership Agreement (NWPTA), Agreement on Internal Trade (AIT) and International Trade Agreements (The Agreement between the Government of Canada and the Government of United States of America on Government Procurement (CUSPA), World Trade Organization Agreement on Government Procurement (GPA)).

⁴ Adapted from the Scottish Social Procurement Act

5. Promotion of Contract Opportunities

In addition to bid opportunities, at or above an applicable trade threshold being publicly posted on electronic bidding systems such as BC Bid, MERX, or Alberta Purchasing Connection (APC), The Village of Cumberland also encourages all sub-contracts to be posted to the Village website, where local contractors and business associations may choose to sign up for email alerts.

6. Living Wage Evaluation ⁴

Staff may choose to evaluate organisations against the percentage of the organisations' employees being paid a living wage.

Living Wage Canada, is a national living wage online resource, providing a searchable database of living wage calculations by city.

If the living wage for your community has not been determined, a national methodology for calculating the living wage will be available soon at Living Wage Canada. The nearest community to Cumberland, for which a Living Wage has been calculated is Parksville/Qualicum, where the rate is \$17.30.

7. Community Benefit Clauses (CBC's) may be added to village contracts. CBC's are contractual obligations undertaken by proponents. Evaluation criteria, to determine how the value/points are to be assigned, will be clearly stated in each procurement process.

[The values and criteria assigned will typically vary between a low of 5% and a high of 15%, of the total contract evaluation, depending on the nature of the procurement opportunity.]

8. Infrastructure planning and investment should promote community benefits ⁵

Infrastructure planning and investment should promote community benefits, being the supplementary social and economic benefits arising from an infrastructure project that are intended to improve the well-being of a community affected by the project, such as local job creation and training opportunities (including for apprentices), improvement of public space within the community, and any specific benefits identified by the community.

9. Apprenticeship plan

Staff may choose to consider apprenticeship opportunities, as part of the evaluation of competitive bids. Bidders entering into a procurement process for the construction or maintenance of Village infrastructure and assets, may be asked to provide the village, with a plan for the intended use of apprentices in the construction or maintenance, in the event of a successful bid. A plan will need to include the following information:

The method by which the bidder intends to create employment/training opportunities arising from the construction or maintenance for apprentices who are: residents of the Village; youth and at-risk youth; aboriginal persons; women; newcomers to Canada or retiring veterans, transitioning into new careers. ⁶

⁵ Strandberg (2014)

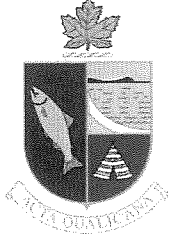
⁵ Adapted language from Ontario Provincial Government, Bill 6, Infrastructure for Jobs and Prosperity Act, 2015

⁷ Adapted language from Ontario Provincial Government, Bill 6, Infrastructure for Jobs and Prosperity Act, 2015

What are the key social, employment and economic goals that the Social Procurement framework and Community Benefit Clauses will work to address?

- Contribute to a stronger local economy;
- increase diversity among suppliers;
- promote the Living Wage and fair employment practices;
- improve access to contracts for micro, small business and social enterprises;
- increase the number of local jobs that support young working families;
- increase social inclusion, by improving contract access for equity-seeking groups, such as social enterprises;
- enhance community arts and culture infrastructure;
- improve and enhance public spaces;
- increase training and apprenticeship opportunities;
- help move people out of poverty, providing increased independence and sustainable employment for those in need;
- improve opportunities for meaningful independence and community inclusion for citizens living with disabilities; and
- to stimulate an entrepreneurial culture of social innovation ⁷.

⁸ Language drawn from BC Government Social Impact Purchasing Guidelines, November 2014

	Town of Qualicum Beach	Policy Manual
	Subject: Purchasing & Disposition of Assets - General - Social Procurement	
	Policy Number: 6000-3	

Purpose

To ensure that the Town of Qualicum Beach considers social value in procurement and seeks to proactively leverage the supply chain in a manner that aligns and supports the Town’s strategic objectives, as defined in the Qualicum Beach Strategic Plan and in the Official Community Plan (OCP)

To strategically align the Town’s Procurement with the Town’s Corporate Mission Statement:
 “The purpose of Council and Administration of the Town of Qualicum Beach is to exemplify collaborative governance and sound management through the provision of high quality facilities and services, that provide opportunities for continuous improvement to the quality of life for people of all ages that we serve.”

The Social Procurement Policy directs staff to conduct procurement in a manner that contributes to the development of a supportive supply chain ecosystem:

- that attracts and retains families with young children
- that supports entrepreneurs creating sustainable economic development and new employment opportunities
- that values supply chain partners providing work experience and employment opportunities to youth aged 15 -29
- for Social Enterprises, providing work experience and employment opportunities for disadvantaged populations, or improving the arts, culture, agriculture and recreational opportunities
- that values and rewards supply chain partners with a high percentage of staff earning the living wage and receiving benefits
- that ensures that supply chain partners are contributing to the advancement of the community socially, economically (including agriculture), culturally and environmentally

Policy

The Social Procurement process is governed by the processes and approvals as set out in the Town’s Purchasing Policy.

The Town's procurement processes will continue to meet all the principles of fairness, integrity, accountability and transparency, along with the Town's purchasing policies and procedures. Competitive bidding activities will continue to be compliant with the obligations set out in applicable trade agreements, mainly AIT/NWPTA - The Agreement on Internal Trade and the New West Partnership Trade Agreement.

The Town of Qualicum Beach endorses a triple bottom line approach to procurement. Whereas sustainable and ethical procurement seeks to do no harm, the Town's Social Procurement Policy seeks to proactively leverage the supply chain to achieve positive community objectives.

Suppliers and potential suppliers to the Town must demonstrate respect for fundamental human rights and treat their workers fairly. Supply chain partners are expected to strive continually towards minimizing the environmental and any detrimental social impacts of their operations and of the Goods and Services provided.

Supply chain partners will be evaluated and rewarded based, in part, on their commitment to align with the Town's values and their commitment to conducting operations in a way that seeks to enhance, rather than diminish, social value in the community.

The Social Procurement Framework will be used to signal/communicate to the marketplace the Town's specific goals and objectives. The Social Procurement Framework will continuously evolve as the practice of Social Procurement evolves and develops nationally. Under this policy, social value criteria will be embedded in the procurement evaluation process. The evaluation weightings and criteria will be clearly defined in each procurement process.

Procedure

The Town of Qualicum Beach will:

- a. consider, during the pre-procurement phase, ways to better design the process to align and contribute to one, or more, of the Town's strategic priorities
- b. work cooperatively with suppliers and other key stakeholders to advance Corporate Social Responsibility in the business

Approved:
Approved By:

Amended:

- community by taking a triple bottom line and a strategic approach to designing evaluation criteria in procurement
- c. embed triple-bottom-line criteria into the Town's supply chain procedures, processes and activities
 - d. include Community Benefit Clauses in major infrastructure contracts
 - e. where possible, include Community Benefit Clauses in requests for quotes and proposal competitions
 - f. encourage and reward suppliers and subcontractors who demonstrate market leadership in working toward the highest achievable environmental and social standards, such as paying benefits, the living wage and demonstrating diverse hiring practices
 - g. develop a supplier community that exhibits leadership in Corporate social responsibility which aligns with the Town's strategic objectives
 - h. audit potential suppliers through a pre-qualification process to develop a preferred supplier community for small, under threshold day-to-day informal purchasing
 - i. endeavour to provide stability of demand, through multi-year contracts, to strategically important supply chain partners, who are actively engaged in delivering on the Town's key objectives
 - j. endeavour to create more supply-chain diversity by publishing an informal summary of the Town's upcoming procurement opportunities up to one year in advance
 - k. post all procurement competitions to the Town's website and create an email alert system to alert the supplier community
 - l. work with the non-profit sector to develop a supportive/enabling environment for Social Enterprise(s) in the District 69 region
 - m. Wherever possible, conduct market education and stakeholder engagement in advance of going to market with major

opportunities

- n. audit supplier compliance with these principles through a combination of supplier disclosures and certifications; external independent certifications, and disclosure of information about factory and production facilities.

The *Freedom of Information and Protection of Privacy Act* provides the legislative framework for information and privacy rights, and as such, this policy shall comply with the Act.

Variations to Purchase Procedures

Although it is the intent that the foregoing purchasing policy shall be strictly followed, there will be times when policy variations/opportunities are required. These instances could be as a result of time considerations or that the number of qualified bidders could not or cannot be obtained. The Chief Administrative Officer or the Financial Administrator will have the authority to modify the purchasing procedures in these instances where the interests of the Town would be adequately protected. Any variation/opportunity is to be noted and presented to Council as soon as possible.

Responsibility Chief Administrative Officer
Financial Administrator
Department Heads

Distribution Council
All Departments

**TOWN OF LADYSMITH
POLICIES AND PROCEDURE MANUAL**

TOPIC:	PURCHASING POLICY		
APPROVED BY:	Council	DATE:	April 8, 2013
RESOLUTION #:	CS-2013-118		
<i>(Amended from) March 5, 2001 March 26/01 & Oct. 30, 2001, Jan 2002 January 2007 (replaces Jan 2007 version in its entirety)</i>			

POLICY STATEMENT

Effective procurement is a critical support function for the Town of Ladysmith to responsibly manage the public funds placed in their trust. The procurement system must be responsive, cost effective, socially responsible and as open as possible to public scrutiny.

GUIDING PRINCIPLES

The Town's Procurement Policy is guided by the following principles which set the standard for performance:

1. Procure the goods and services requirements of all departments in an efficient, timely and cost effective manner while maintaining the necessary controls;
2. Engage in an open bidding process wherever practical;
3. Ensure maximum value is obtained during the acquisition of goods and services. The concept of maximum value includes the value derived from social impacts (See Appendix B for desired Community Benefit Goals). Where applicable, the total cost of the goods and services purchased should be taken into account. Total cost may include but not be limited to acquisition cost, disposal cost, residual value, training cost, maintenance cost, product performance, social impact and environmental impact;
4. Take into account wherever practical the commitment to social responsibility, protection of the environment, and energy conservation;
5. Ensure the acquisition of goods and services meets the requirements of applicable legislation and trade agreements, including the New West Partnership Trade Agreement, and the Agreement on Internal Trade; and
6. Ensure that maximum value is realized when disposing of surplus goods, materials and equipment.

In addition to the principles outlined above, Town employees will demonstrate ethical purchasing behavior including:

1. Declaration of Interest - An employee who has a direct or indirect pecuniary interest with a supplier must disclose this relationship to his or her superior, and will be excluded from the quote or tender process;
2. Confidentiality and Accuracy of Information - The confidentiality of information received in the course of duty must be respected and should not be used for personal gain; information given in the course of duty should be true and fair and not designed to mislead;
3. Competition -While considering the advantages of the Town of Ladysmith maintaining a continuing relationship with a supplier, any arrangement which might prevent the effective operation of fair competition

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should be avoided;

4. Business Gifts and Hospitality - To preserve the image and integrity of the employee, the employer and the profession, business gifts other than items of small intrinsic value should not be accepted. Reasonable hospitality is an accepted courtesy of a business relationship. The frequency and nature of gifts or hospitality accepted should not be such that the recipient might be or might reasonably be perceived by others to have been influenced in making a business decision as a consequence of accepting such hospitality or gifts. All gifts should be reported to the City Manager; and,
5. Discrimination and Harassment - No employee shall knowingly participate in acts of discrimination or harassment towards any person that he or she has business relations with.

PROCUREMENT PROCESS:

OVERVIEW

Procurement is the process by which a government acquires goods, services and capital works for its own use. This policy is designed to assist Town staff in meeting the Town's procurement objectives and to protect the Town and its staff against potential litigation and perceived or actual conflicts of interest. The essential elements of the Town's Procurement Policy are outlined below.

AUTHORITY

All staff members undertaking procurement actions must have formal authorization to do so. As outlined in section 149 of the Community Charter, the responsibility for the financial administration of the Municipality resides with the Chief Financial Officer (CFO). These duties include:

- a. receiving all money paid to the municipality;
- b. ensuring the keeping of all funds and securities of the municipality;
- c. investing municipal funds, until required, in authorized investments;
- d. expending municipal money in the manner authorized by the council;
- e. ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe; and
- f. exercising control and supervision over all other financial affairs of the municipality.

Authorization for expenditures is set out in the *Community Charter* Part 6, Division 3, s.173:

- (1) A municipality must not make an expenditure other than one authorized under subsection (2) or (3).
- (2) A municipality may make an expenditure that is included for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.
- (3) A municipality may make an expenditure for an emergency that was not contemplated for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.

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- (4) The following apply in relation to the authority under subsection (3):
 - (a) the council must establish procedures to
 - (i) authorize expenditures under that subsection, and
 - (ii) provide for such expenditures to be reported to the council at a regular meeting;
 - (b) if an expenditure is made under that subsection, as soon as practicable, the council must amend the financial plan to include the expenditure and the funding source for the expenditure;
 - (c) the authority under that subsection does not include the authority to borrow for the purpose of making the expenditure.

Through this Policy, the CFO authorizes staff to perform and oversee the established processes of the Procurement Policy.

PROCESS:

COMPETITIVE BIDDING

The Town will utilize a competitive bidding process to secure goods and services wherever practical to obtain maximum value for its purchasing dollars.

The level of competition required for Town purposes is based on the dollar value and nature of the purchase ensuring the cost associated with administering a competitive process is proportionate to the benefit received as a result of the competition.

Purchases valued at less than \$3,000 may use the informal methods of verbal or written quotations.

Purchases valued between \$3,000 and \$25,000 must have a minimum of three (3) written quotations.

Purchases of goods and services with a value over \$25,000 must utilize a competitive process, which may be either a Request for Quotations, Request for Proposals, or Request for Tenders. These opportunities are given public notification by way of the internet, advertised on the Town website and on provincial government BC Bid website.

Under certain circumstances, at the discretion of the Director of Finance together with the City Manager, select bidding may be utilized. Select bidding may be utilized for goods and service if delivery or project deadlines dictate that time is of the essence, or where extraordinary circumstances or market conditions exist. Bid documents would be sent to a minimum of three known suppliers of the required goods or services thereby ensuring a competitive bid process.

The use of select bidding for projects valued at over \$50,000 will require the further approval of the Council.

SOLE SOURCING

The requirement for a competitive process may be waived, if negotiating with a single supplier would offer better

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value. Examples of sole source items includes:

- technological advancement;
- standardization;
- compatibility with another item;
- clearly superior product;
- expertise in a specific area or field that cannot be matched by others;
- warranty requirements.

Negotiations for such items will only be permitted:

- in extraordinary circumstances or market conditions;
- If there is only one supplier for the product or service;
- Emergency situations.

All sole source purchases over \$50,000 require approval of the Council, following a Staff Report to Council from the originating department.

CO-OPERATIVE PURCHASING

Wherever possible, the Town will participate in cooperative purchasing to afford the taxpayers the benefits of both large volume purchases of common municipal requirements and the administrative efficiency in cooperative acquisition ventures.

DISPOSAL OF TOWN ASSETS

Disposal of obsolete or surplus goods, materials and equipment which are not used as trade-ins and RCMP recovered goods shall be through public auction or by way of publicly solicited offers.

Generally, Town employees, through public auction or sealed public bids may purchase Town assets or RCMP recovered goods. Those employees not eligible to purchase surplus assets shall be those employees responsible for declaring those assets surplus to the Town's needs or requirements.

The CFO shall make all final decisions with regard to the disposal of assets.

PURCHASING CARDS

Purchasing Cards are designed to provide a convenient and less burdensome method of procuring and paying for low value goods and services. The cards simplify the procurement process, reduce paperwork, speed up vendor payments and empower department heads and administrators to quickly and easily acquire the goods and services they need to manage their business units. The use of purchasing cards requires compliance with this policy.

The Purchasing Card is designed to replace a variety of payment processes including petty cash and low-value cheque requisitions.

PROHIBITIONS/ RESTRICTIONS

In order to ensure adherence to Purchasing policies, certain activities are prohibited:

- Procurement of goods or services prior to authorization,
- Procurement of goods and services by non-authorized staff, other than the use of purchasing cards, unless so permitted under the Purchasing Policy.
- The division of a single purchase into multiple increments to circumvent policies or levels of authority.
- Purchases of goods or services from any member of Council, appointed officers, employees of the Town or from any other source that would result in a conflict of interest situation.
- The purchase of any surplus goods, materials, or equipment by an employee of the Town responsible for declaring the goods, materials, or equipment surplus to the Town's needs.
- Procurement of land is not covered by this purchasing policy.

DOCUMENTATION

All steps in the procurement process will be documented in writing. The Town is subject to Freedom of Information and Protection of Privacy legislation, therefore purchasing decisions will be subject to public scrutiny from time to time. It is critical that we not only follow our policy but are able to demonstrate compliance.

ROLES AND RESPONSIBILITIES

The Finance Department, under the direction of the CFO, is committed to build a robust purchasing system that enables the user department to implement its purchase plan.

Department Heads are responsible for ensuring the Purchasing Policy is followed within their areas of control. In addition, the user department is the expert in the goods and services it plans to purchase. As such, its role is also to establish and implement its purchasing budget (through the annual operating and capital budget plan), receive and evaluate supplied goods and service, and provide feedback on the purchasing policy.

Council is responsible for ensuring that the principles of this Policy are operationalized. Annually Council will review and approve the 5 Year Financial Plan and the purchasing requirements of the Town, as required by the *Community Charter*.

RECOMMENDED METHODS OF PURCHASE

The nature of a purchase, as well as its dollar value, determines the procurement process and tools available. Appendix "A" attached hereto defines the authority of staff to approve the various purchasing thresholds, and outlines the recommended methods of purchase. Nothing in this policy restricts the discretion of responsible staff to require a written contract with a supplier whenever circumstances warrant.

Except where select bidding or sole sourcing is utilized in accordance with this Policy, purchases will be made using the following methods:

- Informal Quotes - for low dollar value or commodity type items employees will typically get quotes from multiple sources.
- Formal Quotes - where higher dollar value or non-routine items are required, employees will endeavor to get written quotes from a minimum of three suppliers
- Request for Quote (RFQ) - where the items required are over \$25,000 and are for specific known or identifiable products. A formal quote process including: providing a description of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, review and recommendation by the initiating department for award and the issuance of the PO is required.
- Request for Proposal (RFP) - where the items required are over \$25,000, and the Town requires the vendor to propose how to complete a product or service. A formal Proposal process including: providing an overview of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, establishing the evaluation criteria, review and recommendation by the initiating department for award, completing the contract and the issuance of the PO is required.
- Request for Tender (RFT) - where the items required are over \$25,000, and the Town requires the vendor to complete a product or service where the project specifications and result are known. A formal tendering process including: providing an overview of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, review and recommendation by the initiating department for award, completing the contract and the issuance of the PO is required.

Appendix A

Acquisition:	0-2,999	\$3,000 - 9,999	\$10,000 - 24,999	\$25,000- 250,000	\$250,000+
Authority	Approved Staff	Manager	DH	DH + CM & DOF	DH CM & DOF/ Council
Documents	Informal	Formal	Formal	RFP, RFQ, RFT	RFP, RFQ, RFT
Process	Discretionary	Competitive Bidding	Competitive Bidding	Competitive Bidding	Competitive Bidding
Commitment Documentation	direct coding & signature	PO	PO	PO	PO

RFP = Request for Proposal
 RFQ = Request for Quotation
 RFT = Request for Tender
 PO = Purchase Order
 DH = Department Head
 DOF = Director of Finance
 CM = City Manager

Appendix B – Community Benefit Goals

To be decided.

Examples of COMMUNITY BENEFITS & GOALS

Economy

- local job creation
- contribute to a stronger local economy;

Town of Ladysmith Notes

Currently a Strategic Priority. A definition of local would be required. Is it just the boundary of Ladysmith or does it extend to the entire Cowichan Valley Region or all of the Vancouver Island?

Ethical Trade

- Living Wage through the entire supply chain
- fair employment practices;

Arts Culture

- enhance community arts and culture infrastructure;

An Arts Strategy is included in the 2017-2021 Financial Plan

Vulnerable Population

- help move people out of poverty,
- sustainable employment
- increase training and apprenticeship opportunities;

Youth (age 15-29)

- work experience & employment opportunities
- increase training and apprenticeship opportunities

A Youth Strategy is included in the 2017 - 2021 Financial Plan.

Environment

- do no harm

Currently in the Purchasing Policy.

Accessibility

- improve and enhance public spaces;
- improve opportunities for meaningful independence and community inclusion for citizens living with disabilities; and

Young Families

- increase the number of local jobs that support young working families;
- attract and retains families with young children

Town of Ladysmith
STAFF REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services
 Date: May 8, 2017
 File No: 0550-20
 RE: **KEEPING HENS ON RESIDENTIALLY ZONED PROPERTIES**

RECOMMENDATION:

That the Committee recommend that Council:

1. Consider its preferences with respect to the possible keeping of hens on residentially zoned properties; and
2. Direct staff to conduct a public consultation with Town residents on the desirability and possible content of an amendment to the "Animal and Poultry Bylaw 1994, No. 1136" to allow the keeping of hens on residentially zoned properties in the Town of Ladysmith.

PURPOSE:

The purpose of this staff report is to provide Council with the results of staff's research into the keeping of chickens on residential properties and to seek further direction.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2013-158	May-06-2013	It was moved, seconded and carried that Council consider including bylaw amendments to permit hens in backyards in its 2014 work plan.

At the Council meeting held on July 4, 2016, the following "Notice of Motion" was presented and subsequently adopted:

That Council direct staff to prepare a report regarding permitting the keeping of hens on residential properties of less than 2 acres (.81 ha.) within the Town of Ladysmith.

INTRODUCTION/BACKGROUND:

This matter has been considered by Council in the past; however, it had not been identified as a priority during strategic planning processes over the past several years.



Currently Animal and Poultry Bylaw 1994, No. 1136 prohibits the keeping of animals (i.e. horses, cattle, sheep, goats or swine) or poultry (i.e. chicken, turkey, goose, duck or other fowl) on properties of less than two acres (.81 hectares) in area. If Council wishes to allow the keeping of hens and ducks on smaller residential lots within the Town of Ladysmith, it must amend the bylaw. The Town's legal advisors have in the past recommended that the Town also consider amending the Zoning Bylaw accordingly.

Current regulations regarding chickens in the Cowichan Valley and Nanaimo are as follows:

City of Duncan

- Maximum of 6 hens
- Zones R1 – Urban Residential (Lot Size: 460m²) and R2 – Suburban Residential (Lot Size: 600m²)
- Provisions regarding licensing, enclosures, fencing, odor control, enforcement matters, etc. outlined in bylaw

District of North Cowichan

- Maximum of 12 poultry on property larger than 1675 m² (0.41 acres) in area but less than 8000 m² (1.98 acres) in area
- No restriction on roosters

City of Nanaimo

- Maximum of 6 hens or ducks on lots less than 0.4 hectares (1 acre) in size
- Maximum of 4 hens or ducks on lots less than 450m² (4843.75 ft²).
- Provisions regarding licensing, enclosures, fencing, odor control, enforcement matters, etc. outlined in bylaw

City of Parksville

- Maximum of 4 hens for the purpose of egg harvesting for consumption exclusively by residents of the parcel on which the hens are kept, minimum property size .1 hectare (.25 acre)
- Regulated in the Zoning Bylaw
- Provisions regarding enclosures, setbacks, etc. outlined in Zoning Bylaw

Town of Qualicum Beach

- Started a 3-year trial on May 1, 2017 for 30 households
- Up to six chickens or ducks may be kept on properties in residential zones 1 through 17, provided there are no roosters, cocks, cockerels or peacocks
- Structures for the chickens or ducks must be in accordance with required yard setbacks

Concerns related to the keeping of hens in backyards include ability to enforce the bylaw, the potential for attracting rats or other predators to the neighbourhood (including

properties that do not have hens); ensuring that standards of care for the poultry are met and enforced.

Anecdotally, while there appears to be support for the keeping of hens on residential properties in Ladysmith, there are also citizens who are opposed to the prospect for a variety of reasons.

Prior to preparing an amendment to the Animal Control Bylaw, Council should determine its preferences with respect to the number of hens to be permitted, minimum lot size, regulations on the number and type of structures used for housing the hens, and setbacks for such structures.

This provides Council with an opportunity to engage in a public consultation process to determine the level of public interest and support prior to proceeding with any amendment to the Animal Control Bylaw.

Such consultation can take place online, through PlaceSpeak, through an online survey, and through comments cards or other non-electronic means of seeking public input. The input process could include feedback on possible regulations including but not limited to any restrictions on numbers of birds, size of housing structures or fencing.

ALTERNATIVES:

In addition to the above recommendation, Council could choose:

- To direct staff to prepare an amendment to the Animal Control Bylaw that would permit the keeping of hens in backyards on residential property
- Not to pursue the matter any further.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Should it be deemed appropriate, the town can ask legal counsel to review any bylaws resulting from this process.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that members of the public will appreciate the opportunity to be consulted on this matter and to know that their input is listened to.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None at this time.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This initiative aligns with Sustainability Pillar #6, Local Food Systems.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This consultation initiative aligns with Strategic Priority Communications and Engagement.

SUMMARY:

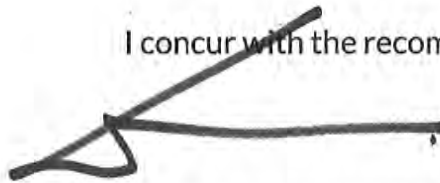
Council has previously directed staff to prepare a bylaw regarding the keeping on hens in backyards in Ladysmith. Research on similar bylaws in other communities is presented for Council's information. It is recommended that before drafting such a bylaw, Council undertake a public consultation process to engage the community in the matter to assist Council in determining whether to proceed with permitting hens in Ladysmith residential properties, and any restrictions to establish.



Joanna Winter, Manager of Legislative Services)

May 1, 2017

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

None