

Report to Council



Date: July 12, 2021
To: Council
From: City Manager
Subject: Parks and Public Spaces Bylaw Amendment
Department: Real Estate and Bylaw Services

Recommendation:

THAT Council receive, for information, the Parks and Public Spaces Bylaw Amendment report from the Real Estate and Bylaw Services departments dated July 12, 2021;

AND THAT Council gives reading consideration to Bylaw No.12223 being amendment No.4 to the Parks and Public Spaces Bylaw No.10680;

AND FURTHER THAT Council gives reading consideration to Bylaw No.12243 being amendment No.28 to Bylaw Enforcement Bylaw No. 10475.

Purpose:

To amend the Parks and Public Space Bylaw No. 10680, as well as the schedule of penalties in Bylaw No. 10475.

Background:

The effective operation and management of the City's three primary boat launch facilities (Cook Road, Water Street, and Sutherland Ave) has been increasingly challenging as a result of more and more marine traffic on Okanagan Lake.

Over the years, the City has seen an increase in the number of instances of complaints regarding improper usage of the boat launches. Complaints range from vehicles and boat trailers being left unattended in the boat launch, to companies using the docks or the boat launches to conduct business and/or customer inspections. This unauthorized usage is decreasing the efficiency of the boat launches and has resulted in 260 services requests over the past six years, as shown in the table below.

Boat Launch Related Service Requests	
Year	Service Request
2016	49
2017	60
2018	46
2019	30
2020	60
2021	15 (YTD)
Total	260

Proposed Bylaw Amendments:

In order to provide Bylaw Services with the necessary tools to monitor and regulate the activity at the City's boat launches, Staff are recommending to strengthen both the bylaws, and the fines that can be issued, as follows:

Parks and Public Spaces Bylaw 10680

The proposed bylaw reads as follows (with changes highlighted in **bold**):

Current bylaw wording	}	3.28 Except as otherwise posted, or authorized by the City of Kelowna, and in accordance with any posted conditions, no Person shall:
		(a) dock, tie up, beach, or anchor a Watercraft in any way to a wharf, dock, beach, sign, tree or any or other facility or thing located within or forming part of a Park;
Proposed bylaw additions	}	(b) park or leave a vehicle and/or trailer unattended in a boat launch;
		(c) provide watercraft operation instruction, sell tickets or conduct business in a boat launch; and
		(d) refuel a boat, aircraft or other watercraft in a boat launch;

The addition of points b, c, and d are intended to address the majority of concerns and public complaints received over the past six years.

Bylaw Notice Enforcement Bylaw 10475

Due to the number of infractions and the ability of one user to have a substantial and negative impact on overall boat launch operations, Staff feel that a substantial fine is warranted to ensure compliance, which should lead to increased efficiency at the boat launch.

The charts below show the proposed changes to the fines payable due to a bylaw infraction

Delete:

Bylaw	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement
10680	3.28	Dock or anchor contrary to posted signage	\$100.00	\$90.00	\$110.00	YES

Replace with:

Bylaw	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement
10680	3.28	Dock or anchor contrary to posted signage, leaving vehicle unattended, conducting business or refueling watercraft at the boat launch	\$500.00	\$450.00	\$500.00	YES

Without these amendments, Bylaw Officers can only rely on bylaws that are not specific to the boat launch, with fees ranging from \$30-\$100. It has become evident that the current bylaws are not effective with regards to influencing and changing behavior.

Letter of Support:

The Kelowna Yacht Club (KYC), located adjacent to the Water Street boat launch, is known for its active participation in promoting boater safety. Additionally, the KYC has just received funding from Transport Canada's Boating Safety Contribution Program.

KYC has provided a letter of support for the proposed bylaw amendment in hopes that it will create a safer boat launch as user's take a more respectful approach to how they use it.

Internal Circulation:

- Bylaw Services
- Communications
- Parks Services
- Parking Services
- Risk Management

Considerations not applicable to this report:

- Legal/Statutory Authority:
- Legal/Statutory Procedural Requirements:
- Existing Policy:
- Financial/Budgetary Considerations:

External Agency/Public Comments:
Communications Comments:

Submitted by: J. Adamson, Manager, Property Management and D. Gazley, Bylaw Services

Approved for inclusion: J. Säufferer, Real Estate Department Manager

Attachments: 1. Schedule A -Kelowna Yacht Club Letter of Support
2. Schedule B - PowerPoint