

Corporation of the Village of Cumberland

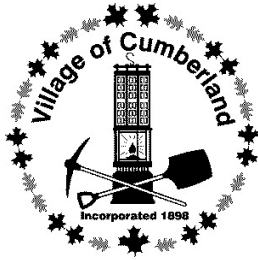
2673 Dunsmuir Avenue
P.O. Box 340
Cumberland, BC V0R 1S0
Telephone: 250-336-2291
Fax: 250-336-2321
cumberland.ca

Homelessness and Affordable Housing Select Committee Agenda

May 16, 2018 at 9 am
Council Chambers

1. **Approval of Agenda**
2. **Adoption of Minutes**
 - 2.1 April 11, 2018..... 1
3. **Delegations**
 - 3.1 Len Mathot, Mathot Homes, Proposed Bare Land Strata Development For 3025 Royston Road, Pre-application (rezoning) discussion for Committee feedback
4. **Unfinished Business**
 - 4.1 RENT Conference (Regional Education, Networking & Tradeshow), April 12, 2018 discussion.
5. **New Business**
 - 5.1 Reports from Committee members
 - 5.2 Draft Homelessness Response Protocol Policy
 - Identifying areas for one/two shelters v. “tent cities”, discussion
 - size of shelters, discussion
 - City of Kamloops bylaw..... 3
 - Parks assessments & maps, suitable locations for temporary shelters separate package
6. **Upcoming meetings**

June 13, 2018 at 9am (rescheduled from June 20)
July 18, 2018 at 9am – possible change to July 11, to be confirmed
September 19, 2018 at 9am
November 21, 2018 at 9am – change to either Nov 14 or 28
7. **Adjournment**



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Homelessness and Affordable Housing Select Committee

Minutes

April 11, 2018 at 9 am

Council Chambers

Members Present:

Roger Albert, Chair

Kathy Duperron, Vice-Chair

Mark Fortin

Bobby Herron

Councillor Jesse Ketler

Staff:

Rachel Parker, Deputy Corporate Officer

Regrets: Ian Cooper

Mr. Albert called the meeting to order at 9:07 am

1. Approval of Agenda

Duperron/Fortin: That the Committee approve the agenda as presented.

Carried

2. Adoption of Minutes

Fortin/Ketler: That the Committee approve the minutes of the meeting held March 14, 2018.

Carried

3. Delegations

None

4. Unfinished Business

4.1 Rideout Construction; Development Permit and Development Variance Permit Application for 2727 Dunsmuir Avenue - Verbal Update that no further action has taken place on this application.

4.2 Committee Terms of Reference amendment, Verbal update from April 9, 2018 Council meeting that Council accepted the Committee's recommendation.

4.3 RENT Conference (Regional Education, Networking & Tradeshow), April 12, 2018 Messrs. Albert, Fortin, and Herron, and Councillor Ketler will attend. Mr. Herron will attend the HousingU Ready, Set, Build course on April 13, 2018.

5. New Business

5.1 Reports from Committee members
None

5.2 Draft Homelessness Response Protocol Policy
Members review the policy and proposed amendments to the Parks Regulation Bylaw:

- Time periods and notice periods generous
- Good tone of policy to ensure compassionate response
- Check for third party liability for risks associated with temporary structures and the behavior of temporary shelter residents
- Consider winter conditions and seasonal hours for temporary shelters
- Next meeting to identify “no go” parks and park areas, e.g. Village Square, with potentially a parks walk through.

6. Upcoming meetings

May 16, 2018 from 9am
June 20, 2018 at 9am – possible change to June 13
July 18, 2018 at 9am – possible change to July 11
September 19, 2018 at 9am
November 21, 2018 at 9am

7. Adjournment

Duperron/Fortin: THAT the Committee adjourn at 11:57 pm.

Certified Correct:

Chair

Deputy Corporate Officer

City Staff Proposes Amendments to Parks Regulation Bylaw to Accommodate People's Right to Shelter

Release date: April 6, 2018 **Kamloops, BC –**

On Tuesday, April 10, Kamloops City Council will be presented with proposed amendments to the City's Parks Regulation Bylaw No. 35-66 that will provide options to homeless people seeking temporary overnight shelter.

The current Parks Regulation Bylaw does not permit overnight sheltering on public land, including parks. Recent court decisions have determined that municipalities have a constitutional obligation to provide sufficient locations to accommodate temporary overnight shelters for people experiencing homelessness when there are not enough shelter beds available in the community. With the recent closure of the temporary emergency response shelter at Stuart Wood, the City expects to see an increase in homeless people seeking shelter along the riverbanks.

"These amendments will not change the locations where folks historically seek shelter," says Byron McCorkell, Director of Community and Protective Services for the City of Kamloops. "We know the riverbanks are typically the location of choice, so we've simply changed the language in the bylaw to clarify when and where temporary overnight shelters are permitted and provided some restrictions to protect the safety of all citizens, including those seeking shelter."

The bylaw amendments will outline what is considered as temporary overnight shelter (e.g. a tent, lean-to, or other type of overhead shelter) that provides relief from the elements for its occupant. The bylaw will also outline some general rules, such as permitted hours (9:00 pm-7:00 am, March through November) and the occupant's responsibility to remove the shelter, including all possessions and waste, outside those hours.

If the amendments are authorized by Council, staff will work with various community organizations to distribute information to the homeless population that outlines the low river and high river locations, rules for temporary overnight sheltering, and key resource information.

The changes to the bylaw are intended to balance the rights of homeless individuals to access public lands for temporary overnight sheltering, when required, with the City's obligation to protect, maintain, and enhance public lands for the use of all community members.

The City of Kamloops has a vision for our community where housing is available and affordable across the entire housing continuum, from emergency shelters to entry-level home ownership. While more housing will not eliminate the need for temporary overnight shelters, it may provide options to some homeless people who currently have no other choice but to sleep outdoors.

April 5, 2018

REPORT TO THE CHIEF ADMINISTRATIVE OFFICER
FROM THE COMMUNITY AND PROTECTIVE SERVICES DEPARTMENT

ON

AMENDMENTS TO PARKS REGULATION BYLAW

PURPOSE

To seek Council's approval for amendments to Parks Regulation Bylaw No. 35-66 in order to effectively manage parks and other public lands, in accordance with recent court decisions involving temporary overnight shelters.

COUNCIL STRATEGIC PLAN

This report supports Council's goals and objectives regarding:

- **Livability** - ensure Kamloops maintains a high quality of life while meeting the challenge of a growing community by balancing the rights of homeless individuals to access public lands for temporary overnight sheltering with the City's obligation to protect, maintain, and enhance public lands for the use of all community members
- **Governance** - be recognized for excellence in public service in local government by proactively addressing the needs of vulnerable members of our community

SUMMARY

The City has a vision for the community where housing is available and affordable across the entire housing continuum - from emergency shelters to entry-level home ownership. To that end, the City has played a role in several housing announcements over the last six months and continues to seek new opportunities to increase the housing supply in Kamloops. With the closure of the temporary emergency response shelter at Stuart Wood and as the weather warms, the City expects to see an increase of people using City property for temporary overnight shelter.

It is important that City property is safe and accessible for all residents. As such, staff reviewed the Parks Regulation Bylaw to evaluate the provisions relating to temporary overnight shelters. Staff revised the bylaw to ensure that it meets the needs of the community and complies with recent court decisions. Updates to the bylaw include the following:

- clarifying where and when homeless individuals may erect and occupy temporary overnight shelters
- imposing certain restrictions pertaining to temporary overnight sheltering
- making minor housekeeping changes, such as updates to department and directors' names

The amendments are intended to balance the rights of homeless individuals to access public lands for temporary overnight sheltering (when required) with the City's obligation to protect, maintain, and enhance public lands for the use of all community members.

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RECOMMENDATION:

That Council authorize Parks Regulation Bylaw No. 35-66 Amendment Bylaw No. 35-94, 2018, be read a first, second, and third time.

COUNCIL POLICY

There is no applicable Council policy.

DISCUSSION

The Parks Regulation Bylaw prescribes the criteria and regulatory process for the use of Parks and other Public Lands, with the following general objectives:

- protecting, maintaining, and enhancing Parks and other Public Lands
- protecting and promoting the safety and experience of members of the public who use Parks and other Public Lands
- avoiding conflicts in the use of space in Parks and other Public Lands
- protecting and enhancing the environmental and natural conditions of the Parks and other Public Lands

The primary intention of the amendments is to clarify when and where homeless individuals may erect and occupy temporary overnight shelters. The amendments also impose certain restrictions that are intended to protect and promote the safety and experience of members of the public who use public spaces and to avoid conflicts in use.

Concurrent with the amendments, staff are preparing information circulars that identify approximately 13 areas throughout the city where homeless individuals may erect temporary overnight shelters. The circulars will explain the rules for temporary overnight sheltering in Kamloops and provide helpful information (e.g. the location of public washrooms, storage areas, etc.) and contact information for shelters, housing agencies, and other community organizations.

Staff will work with the various community organizations in an effort to ensure that the information circulars are widely distributed to the City's homeless population.

Proposed Amendments

Amendments to the Parks Regulation Bylaw and the rationale for the proposed amendments are as follows:

Bylaw Title

The name of the bylaw was changed to the "Parks and Public Lands Bylaw" to better define the bylaw's purpose and intent.

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Definitions

The following definitions were revised and/or added to clarify terms used throughout this bylaw:

- “Bylaw Enforcement Officer” means that person appointed by the City, whether officially titled as such or not, or any person delegated to assist in carrying out his/her duties under this bylaw, and includes any peace officer
- “Director” has been revised so as to reflect the change in titles.

“Director” means the person appointed from time to time by Council as the Director of Civic Operations or Community and Protective Services and any duly authorized delegate.
- All references to “Parks, Recreation, and Cultural Services Department” have been changed to “Civic Operations or Community and Protective Services”.
- “Homeless Person” has been added as a defined term to clarify that recreational camping is not permitted on public lands; rather, Temporary Overnight Sheltering is permitted in specific circumstances.

“Homeless Person” means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.
- “Person” includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.
- “Prohibited Areas” has been added as a defined term to clarify those areas in which Temporary Overnight Sheltering is never permitted.

“Prohibited Areas” means playgrounds, water playgrounds, swimming pools, wading pools, horticulture display areas and ornamental gardens, maintained or landscaped public lawns, stadiums, skateboard parks, tennis courts or other sports facility courts, sports fields, dugouts, stages, bleachers, washroom facilities, picnic shelters, gazebos, cemeteries, pathways, driveways, roadways, lanes, bridges, docks, wharfs, boulevards, areas of a Park that have otherwise been issued a permit pursuant to this bylaw, and all other offices, community and recreational facilities, parking lots and parkades, that are owned or controlled by the City.
- The defined term “Temporary Shelter” was changed to “Temporary Overnight Shelter” and all references to this term have been replaced in the bylaw to better reflect the type of sheltering that is permitted under the Bylaw.

“Temporary Overnight Shelter” means the use of structures, improvements or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material to allow Persons relief from the elements during periods of rest.

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Temporary Overnight Shelter - Public Areas

Section 5 of the bylaw has been amended to be responsive to court decisions concerning temporary overnight sheltering. The section seeks to balance a homeless person's right to access Public Lands for Temporary Overnight Sheltering when required (i.e. when there is no alternative shelter space available) with the City's obligation to protect, maintain, and enhance Public Lands for the use of all community members. The proposed language seeks to achieve a fair balance of these interests, in accordance with the principles enunciated in recent court decisions.

TEMPORARY OVERNIGHT SHELTER - PUBLIC AREAS

5. (a) This Bylaw applies to any and all forms of Temporary Overnight Shelter placed, erected, or otherwise imposed in, on, within, or attached to any Public Lands within the City of Kamloops, without the express written consent or valid permit issued by the Director.
- (b) Notwithstanding Section 4 of this Bylaw, where there is no accessible shelter accommodation available in the City, a Homeless Person may erect, occupy, and use a Temporary Overnight Shelter on Public Lands that is not a Prohibited Area, provided that the Person complies with all other provisions of this Bylaw.
- (c) Temporary Overnight Shelters, as referred to in Section 5(b) above, shall only be erected, occupied, or used each evening as follows:
 - i) During Wildfire Season - March through November: between 9:00 pm (2100 hrs) on one day until 7:00 am (0700 hrs) on the following day; and
 - ii) During Non-wildfire Seasons - December through February: between 5:00 pm (1700 hrs) on one day until 8:00 am (0800 hrs) on the following day.
- (d) Each Temporary Overnight Shelter referred to in Section 5(b) above may only cover an area of less than 10 m² and may not adjoin, abut, or be connected to any other Temporary Overnight Shelter.
- (e) A Temporary Overnight Shelter shall not be erected, occupied, or used in, on, within, or attached to any Prohibited Area.
- (f) All Persons erecting, occupying, or using a Temporary Overnight Shelter on Public Lands shall be required to remove the Temporary Overnight Shelter and all possessions, wastes, and other incidental materials associated therewith from said Public Lands at any time other than the permitted times stipulated under Section 5(c) above.

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- (g) Any Temporary Overnight Shelter on Public Lands that is found:
- i) in, on, within, or attached to any Prohibited Area; or
 - ii) during times not authorized by this Bylaw,
- shall be unlawful and subject to enforcement and removal, including the removal of any possessions, waste, and other incidental materials in, at, or near the erection, occupancy, or use of the Temporary Overnight Shelter.
- (h) All Persons using Temporary Overnight Shelter on Public Lands shall be required to comply with all other provisions of this Bylaw and any other applicable City Bylaw, and Provincial or Federal Act or Regulation.
- (i) Without limiting any other authority granted under this Bylaw, the Director, a Bylaw Enforcement Officer, a City officer or employee, or an agent of the City may remove or cause to be removed from Public Lands any Temporary Overnight Shelter that is not in compliance with this Bylaw, including any vehicles, camping equipment, or possessions in, at, or near the Temporary Overnight Shelter.
- (j) No Person shall obstruct, hinder, or interfere with any City employee, agent, Bylaw Enforcement Officer, ambulance attendant, or any other person acting in the course of his/her duties at or near the erection, occupancy, or use of a Temporary Overnight Shelter on any Public Lands within the city.

Specific Regulations

Section 6 of the bylaw has been amended as follows:

SPECIFIC REGULATIONS

- 6 (j) It shall be unlawful and an offence against this Bylaw for any Person to:
- iv) Start, permit, or otherwise use any form of fire in any Park or Public Lands in the City without first obtaining a Facility Use Permit.
 - viii) Be in any City Park between 2300 hrs (11:00 pm) and 0500 hrs (5:00 am) on any day unless that Person is a bona fide user as stated in Section 7 of this Bylaw.

Park Hours

Section 7 of the bylaw has been amended to update the list of facilities.

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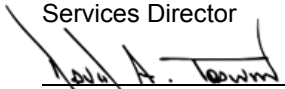
Conclusion

Concurrent with the amendments, staff are preparing information circulars that identify approximately 13 areas throughout the city where homeless individuals may erect temporary overnight shelters. The circulars will explain the rules for temporary overnight sheltering in Kamloops and provide helpful information (e.g. the location of public washrooms, storage areas, etc.) and contact information for shelters, housing agencies, and other community organizations.

Staff will work with the various community organizations in an effort to ensure that the information circulars are widely distributed to the City's homeless population.




B. J. McCorkell
Community and Protective
Services Director



Approved for Council

JR/kjm/ts

Attachment

Concurrence: J. Fretz, P.Eng., Civic Operations Director 

Author: J. Ramsay, Community Safety and
Enforcement Manager

Reviewed: M Mazzotta, MPA, B.Sc., Corporate Officer

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CITY OF KAMLOOPS

BYLAW NO. 35-94

A BYLAW TO AMEND CITY OF KAMLOOPS
PARKS REGULATION BYLAW NO. 35-66, 1998

The Municipal Council of the City of Kamloops, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Parks and Public Lands Bylaw No. 35-66 Amendment Bylaw No. 35-94, 2018".
2. Parks Regulation Bylaw No. 35-66, 1998, as amended, is hereby further amended as follows:
 - a) Section 1, by repealing the citation of Bylaw No. 35-66 and re-enacting it as follows:

"This bylaw may be cited as "Parks and Public Lands Bylaw No. 35-66, 1998."
 - b) Section 3, Definitions, by:
 - i) adding the following definitions:

"Bylaw Enforcement Officer" means that person appointed by the City, whether officially titled as such or not, or any person delegated to assist in carrying out his/her duties under this bylaw, and includes any peace officer.

"Homeless Person" means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis.

"Person" includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.

"Prohibited Areas" means playgrounds, water playgrounds, swimming pools, wading pools, horticulture display areas, and ornamental gardens, maintained or landscaped public lawns, stadiums, skateboard parks, tennis courts, or other sports facility courts, sports fields, dugouts, stages, bleachers, washroom facilities, picnic shelters, gazebos, cemeteries, pathways, driveways, roadways, lanes, bridges, docks, wharfs, boulevards, areas of a Park that have otherwise been issued a permit pursuant to this bylaw, and all other offices, community and recreational facilities, parking lots and parkades, that are owned or controlled by the City.'

- ii) Repealing the definition of “Temporary Shelter” and re-enacting it as follows:

“Temporary Overnight Shelter” means the use of structures, improvements, or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard, or other rigid or non-rigid material to allow Persons relief from the elements during periods of rest.’

- c) By deleting the words “Temporary Shelter” wherever they appear in the bylaw and inserting therefore the words “Temporary Overnight Shelter”.
- d) By deleting the words “Parks, Recreation, and Cultural Services Department” wherever they appear in the bylaw and inserting therefore the words “Civic Operations Department or Community and Protective Services Department”.
- e) By repealing Section 5, Temporary Shelter - Public Areas, in its entirety and re-enacting it as follows:

“TEMPORARY OVERNIGHT SHELTER - PUBLIC AREAS

5. (a) This Bylaw applies to any and all forms of Temporary Overnight Shelter placed, erected, or otherwise imposed in, on, within, or attached to any Public Lands within the City of Kamloops, without the express written consent or valid permit issued by the Director.
- (b) Notwithstanding Section 4 of this bylaw, where there is no accessible shelter accommodation available in the City, a Homeless Person may erect, occupy, and use a Temporary Overnight Shelter on Public Lands that is not a Prohibited Area, provided that the Person complies with all other provisions of this bylaw.
- (c) Temporary Overnight Shelters, as referred to in Section 5(b) above, shall only be erected, occupied, or used each evening as follows:
- i) During Wildfire Season - March through November: between 9:00 pm (2100 hrs) on one day until 7:00 am (0700 hrs) on the following day; and
- ii) During Non-wildfire Seasons - December through February: between 5:00 pm (1700 hrs) on one day until 8:00 am (0800 hrs) on the following day.
- (d) Each Temporary Overnight Shelter referred to in Section 5(b) above may only cover an area of less than 10 m² and may not adjoin, abut, or be connected to any other Temporary Overnight Shelter.

- (e) A Temporary Overnight Shelter shall not be erected, occupied, or used in, on, within, or attached to any Prohibited Area.
 - (f) All Persons erecting, occupying, or using a Temporary Overnight Shelter on Public Lands shall be required to remove the Temporary Overnight Shelter and all possessions, wastes, and other incidental materials associated therewith from said Public Lands at any time other than the permitted times stipulated under Section 5(c) above.
 - (g) Any Temporary Overnight Shelter on Public Lands that is found:
 - i) in, on, within, or attached to any Prohibited Area; or
 - ii) during times not authorized by this bylaw;
 shall be unlawful and subject to enforcement and removal, including the removal of any possessions, waste, and other incidental materials in, at, or near the erection, occupancy, or use of the Temporary Overnight Shelter.
 - (h) All Persons using Temporary Overnight Shelter on Public Lands shall be required to comply with all other provisions of this bylaw and any other applicable City bylaw and provincial or federal act or regulation.
 - (i) Without limiting any other authority granted under this bylaw, the Director, a Bylaw Enforcement Officer, a City officer or employee, or an agent of the City may remove or cause to be removed from Public Lands any Temporary Overnight Shelter that is not in compliance with this bylaw, including any vehicles, camping equipment, or possessions in, at, or near the Temporary Overnight Shelter.
 - (j) No Person shall obstruct, hinder, or interfere with any City employee, agent, Bylaw Enforcement Officer, ambulance attendant, or any other person acting in the course of his/her duties at or near the erection, occupancy, or use of a Temporary Overnight Shelter on any Public Lands within the City.”
- f) Section 6, Specific Regulations, Subsection (j) by:
- i) repealing Subsection iv) in its entirety and re-enacting it as follows:
 - “iv) Start, permit, or otherwise use any form of fire in any Park or Public Lands in the City without first obtaining a Facility Use Permit.”

ii) repealing Subsection viii) its entirety and re-enacting it as follows:

“viii) Be in any City Park between 2300 hrs (11:00 pm) and 0500 hrs (5:00 am) on any day unless that Person is a bona fide user as stated in Section 7 of this bylaw.”

g) By repealing Section 7, Park Hours, in its entirety and re-enacting it as follows:

“PARK HOURS

7. All City parks will be closed daily from 2300 hours (11:00 p.m.) to 0500 hours (5:00 am) with the exception of bonafide users of:

- (a) Norbrock Stadium;
- (b) McArthur Island Lawn Bowling Club and Greens;
- (c) McArthur Island Sport and Event Centre;
- (d) Heritage House;
- (e) Yacht Club;
- (f) Sandman Centre;
- (g) Charles Anderson Stadium;
- (h) Hal Rogers Centre;
- (i) Riverside Park Lawn Bowling Green;
- (j) Brocklehurst Arena
- (k) Valleyview Park Community Building; and
- (l) Kamloops Heritage Railway Society Workshop.

The hours of closure will not apply for major civic functions or tournaments authorized by the City.”

READ A FIRST TIME the _____ day of _____, 2018.

READ A SECOND TIME the _____ day of _____, 2018.

READ A THIRD TIME the _____ day of _____, 2019.

ADOPTED this _____ day of _____, 2018.

MAYOR

CORPORATE OFFICER