

Relevant excerpts from laws concerning Stanley Park wildlife and habitat

BC Provincial Wildlife Act..... 2

Species at Risk Act, 2002 4

Migratory Birds Convention Act, 1994 11

Federal Fisheries Act, (R.S., 1985, c. F-14) 13

BC Provincial Water Act, [RSBC 1996] CHAPTER 483 15

Vancouver Board of Parks and Recreation – Park By-laws..... 17

BC Provincial Wildlife Act

Provincial Wildlife Act B.C. Ministry of Environment

Relevant excerpts only are presented. The complete document can be found at:
http://www.qp.gov.bc.ca/statreg/stat/W/96488_01.htm

1 Wildlife Act Definitions

Fish: bony fishes, lampreys, crustaceans, or molluscs, from or in non-tidal waters of B.C., including their eggs and juvenile stages.

Wildlife: raptors, threatened species, endangered species, game or other species of vertebrates prescribed as wildlife and, for the purposes of some sections, includes fish.

Habitat or wildlife habitat: the air, soil, water, food and cover components of the environment on which wildlife depend directly or indirectly in order to carry out their life processes.

9 Damaging beaver dams

(1) A person commits an offence if the person disturbs, molests or destroys

(a) a muskrat house or den, except on dyked land, or

(b) a beaver house or den or beaver dam.

(2) Subsection (1) does not apply

(a) to a licensed trapper,

(b) if the action is taken to provide irrigation or drainage under lawful authority for the protection of property, or

(c) if the action is authorized by regulation.

29 Attempt to capture wildlife

Except as authorized by this Act, the regulations or a permit, a person who attempts to capture wildlife commits an offence.

33 Possession of wildlife

(1) A person commits an offence if the person has live wildlife in his or her personal possession except as authorized under a licence or permit or as provided by regulation.

(2) A person commits an offence if the person has dead wildlife or a part of any wildlife in his or her possession except as authorized under a licence or permit or as provided by regulation.

(3) Subsections (1) and (2) do not apply to a person acting under a licence under the *Fur Farm Act* or the *Game Farm Act*.

33.1 Feeding dangerous wildlife

(1) A person who intentionally feeds or attempts to feed dangerous wildlife (bear, cougar, coyote or wolf) commits an offence.

(2) A person commits an offence if the person, with the intent of attracting dangerous wildlife to any land or premises, provides, leaves or places in, on or about the land or premises food, food waste or any other substance that could attract dangerous wildlife to the land or premises.

(3) Subsection (2) does not apply to a person who is engaging in hunting or trapping dangerous wildlife in accordance with all other applicable provisions of this Act and the regulations.

34 Birds, nests and eggs

A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys

(a) a bird or its egg,

(b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or

(c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

Species at Risk Act, 2002

Government of Canada, Department of Justice

“SARA and You” guide and relevant excerpts from the act used only.

The complete document can be found at:

http://www.sararegistry.gc.ca/approach/act/default_e.cfm

PROTECTING AND RECOVERING SPECIES AT RISK IN CANADA

The *Species at Risk Act* (SARA) is one of three major components in the Government of Canada Strategy for the Protection of Species at Risk. The other two components are the Habitat Stewardship Program and the Accord for the Protection of Species at Risk endorsed by the provinces, territories and the Government of Canada. Currently, there are over 300 wild plant and animal species protected under the Act.

THE SPECIES AT RISK ACT

SARA is designed as a key tool for the conservation and protection of Canada’s biological diversity and fulfils an important commitment under the United Nations Convention on Biological Diversity. The Act complements existing federal, provincial and territorial legislation protecting wildlife.

The purpose of SARA is to:

- prevent wildlife species from becoming extinct or extirpated (lost from the wild in Canada);
- help in the recovery of extirpated, endangered or threatened species; and
- ensure that species of special concern do not become endangered or threatened.

SPECIES DESIGNATION

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC), an independent group of experts, assesses the status of wildlife species and recommends a classification for their legal protection. COSEWIC's assessment process is based on a rigorous criteria system that not only recognizes scientific sources but also places a significant emphasis on information from the people who live on the land and have an intimate familiarity with the animals and plants around them. COSEWIC is not part of the federal government, but rather offers the government independent advice based on the best available biological information, including scientific knowledge, community knowledge and Aboriginal traditional knowledge.

After receiving a recommendation from COSEWIC, the government consults with concerned ministers, relevant wildlife management boards and the public to consider many factors, including possible social and economic implications of listing the species. The government then decides whether to add the species to the List of Wildlife Species at Risk (Schedule 1 in the Act). Once a species is listed, the

provisions under SARA apply to protect and recover the species. The List will continually evolve as species are added or removed or their status changes.

RESPONSIBILITIES UNDER THE ACT

All Canadians have a shared interest in protecting species at risk and ensuring healthy ecosystems for future generations.

You may have specific responsibilities under SARA if you manage or have administrative control over federal lands, live on federal lands, work on federal lands or visit federal lands.

You may also have responsibilities under the Act if you own private lands, manage provincial lands or manage or live on lands within a territory where listed aquatic species or migratory birds occur. In some cases, however, species at risk are able to inhabit these areas because current practices make them suitable. Therefore, while the Act may apply to species on these lands, in certain circumstances, the practices you undertake on them may not need to be altered significantly.

SPECIES PROTECTION

SARA contains prohibitions against the killing, harming, harassing, capturing, taking, possessing, collecting, buying, selling or trading of individuals of endangered, threatened and extirpated species listed in Schedule 1 of the Act. The Act also contains a prohibition against the damage or destruction of their residences (e.g. nest or den).

These prohibitions apply to:

- all endangered, threatened and extirpated species listed in Schedule 1 of SARA when found on federal lands in a province, or lands under the authority of the Minister of the Environment or the Parks Canada Agency in a territory;
- all endangered, threatened and extirpated migratory birds listed in Schedule 1 of SARA and protected by the Migratory Birds Convention Act, 1994, anywhere they occur, including private lands, provincial lands and lands within a territory; and
- all endangered, threatened and extirpated aquatic species listed in Schedule 1 of SARA, anywhere they occur, including private lands, provincial lands and lands within a territory.

The Act also has a provision to protect species designated as endangered or threatened by a provincial or territorial government when found on federal lands.

In addition, in certain circumstances, SARA prohibitions may be applied to protect any other species listed in Schedule 1 of SARA when found on private lands, provincial lands or lands within a territory, if provincial/territorial laws do not effectively protect the species or its residence. Consultations

would first be held with the affected provincial or territorial governments and relevant wildlife management boards.

Critical Habitat

SARA recognizes that protecting the habitat of species at risk is key to their conservation. Critical habitat is defined as the habitat necessary for the survival or recovery of an endangered, threatened or extirpated species listed in Schedule 1. Critical habitat is identified in species recovery strategies and/or action plans. The development of these strategies and plans is a collaborative process that involves consultation or cooperation with a variety of stakeholders as well as the public.

The intent of SARA is to protect critical habitat as much as possible through voluntary actions and stewardship measures. If these measures are unable to protect the critical habitat, prohibitions against the destruction of that particular critical habitat may be applied.

SARA contains a prohibition against destroying any part of critical habitat. The Act requires that critical habitat on federal lands, or for aquatic species anywhere, be legally protected by stewardship agreements under SARA, by other legal means under SARA, by other federal legislation or by the SARA prohibition within six months after it is identified.

When critical habitat, other than that referred to above, is located on private lands, provincial lands or lands within a territory and is not protected through stewardship agreements under SARA or other federal legislation or provincial/territorial laws, the prohibition may be applied.

Exceptions

SARA provides for a number of exceptions in a variety of circumstances. For example, activities that are undertaken in accordance with conservation measures for wildlife species under a land claims agreement are exempt from the application of SARA prohibitions. Activities related to public safety, health or national security may also be exempted.

SARA also allows for permits to be issued or agreements to be entered into under certain conditions, to authorize certain activities that would otherwise contravene the Act. The Minister issuing the permit must be of the opinion that the proposed activity qualifies as one of the following:

- the activity is scientific research relating to the conservation of the species and conducted by qualified persons;
- the activity benefits the species or is required to enhance its chance of survival in the wild; or
- the effect(s) on the species is incidental to the carrying out of the activity.

The Minister issuing the permit must also be of the opinion that all of the following conditions are met:

- all reasonable alternatives to the activity that would reduce the impact on the species have been considered, and the best solution has been adopted;

- all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and
- the activity will not jeopardize the survival or recovery of the species.

Environmental Assessments

When you are required to ensure that an environmental assessment of a project is conducted under federal legislation such as the *Canadian Environmental Assessment Act*, SARA requires that you notify the competent minister or ministers in writing if the project is likely to affect a species listed in Schedule 1 or its critical habitat.

SARA also requires, among other things, that you identify the adverse effects of your project on all species listed in Schedule 1 or their critical habitat. In addition, if the project is carried out, you must ensure that measures are taken to avoid or lessen the effects on the listed species and its critical habitat and to monitor the effects. The measures must be taken in a way that is consistent with applicable recovery strategies and action plans.

STEPS TO COMPLY WITH THE ACT

1) Determine the Potential for the Presence of Species at Risk on Your Property

Visit the SARA Public Registry (www.sararegistry.gc.ca) to determine which species listed under the Act occur in your province or territory. Visit the Species at Risk web site (www.speciesatrisk.gc.ca) and NatureServe Canada (www.natureserve-canada.ca) to determine those species' ranges within your province or territory as well as their specific habitat requirements. Next, evaluate the potential for the presence of those species on your property. Compare each species' range and habitat requirements with the location and ecological characteristics of your property.

2) Find Out More about Your Specific Responsibilities

If your property has a high potential for the presence of a species at risk, visit the SARA Public Registry to find out more about how to confirm their presence. Should you confirm the presence of a species at risk on your property, the Registry will also provide you with information to help you determine whether the prohibitions contained in SARA apply in your case as well as the steps you can take to comply with the Act.

3) Consult the SARA Public Registry Regularly

The List of Wildlife Species at Risk (Schedule 1) will continue to evolve as species are added or removed from the List or their status changes. Amendments will be posted on the SARA Public Registry. As recovery strategies and action plans are developed, critical habitats for listed species will be identified. In addition, new regulations and orders affecting species at risk, their residences and

critical habitat may come into effect and will also be posted on the Registry. Being aware of new information will help ensure that you are continuing to comply with SARA.

TO HELP PROTECT SPECIES AT RISK

As part of the National Strategy for the Protection of Species at Risk, the Government of Canada established the Habitat Stewardship Program for Species at Risk. Stewardship refers to the wide range of voluntary actions that Canadians take to care for the environment. These types of conservation activities, particularly those that protect habitat, are essential to the recovery of species at risk. Stewardship activities are also instrumental in preventing other species from becoming at risk.

The Habitat Stewardship Program allocates up to \$10 million per year to individual Canadians and stewardship organizations to implement partnership-based activities that protect or conserve habitats for species designated at risk by COSEWIC. Find out more about how you can get involved by visiting the Habitat Stewardship Program web site (www.cws-scf.ec.gc.ca/hsp-pih).

Selected Excerpts from the Species at Risk Act:

Purpose

The purposes of this Act are to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and to manage species of special concern to prevent them from becoming endangered or threatened.

COSEWIC: The Committee on the Status of Endangered Wildlife in Canada

Functions

15. (1) The functions of COSEWIC are to

(a) assess the status of each wildlife species considered by COSEWIC to be at risk and, as part of the assessment, identify existing and potential threats to the species and

(i) classify the species as extinct, extirpated, endangered, threatened or of special concern,

(ii) indicate that COSEWIC does not have sufficient information to classify the species, or

(iii) indicate that the species is not currently at risk;

(b) determine when wildlife species are to be assessed, with priority given to those more likely to become extinct;

(c) conduct a new assessment of the status of species at risk and, if appropriate, reclassify or declassify them;

(c.1) indicate in the assessment whether the wildlife species migrates across Canada's boundary or has a range extending across Canada's boundary;

(d) develop and periodically review criteria for assessing the status of wildlife species and for classifying them and recommend the criteria to the Minister and the Canadian Endangered Species Conservation Council; and

(e) provide advice to the Minister and the Canadian Endangered Species Conservation Council and perform any other functions that the Minister, after consultation with that Council, may assign.

General Prohibitions

Killing, harming, etc., listed wildlife species

32. (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.

Possession, collection, etc.

(2) No person shall possess, collect, buy, sell or trade an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species, or any part or derivative of such an individual.

Damage or destruction of residence

33. No person shall damage or destroy the residence of one or more individuals of a wildlife species that is listed as an endangered species or a threatened species, or that is listed as an extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada.

Protection of Critical Habitat

Codes of practice, national standards or guidelines

56. The competent minister may, after consultation with the Canadian Endangered Species Conservation Council and any person whom he or she considers appropriate, establish codes of practice, national standards or guidelines with respect to the protection of critical habitat.

Purpose

57. The purpose of section 58 is to ensure that, within 180 days after the recovery strategy or action plan that identified the critical habitat referred to in subsection 58(1) is included in the public registry, all of the critical habitat is protected by

(a) provisions in, or measures under, this or any other Act of Parliament, including agreements under section 11; or

(b) the application of subsection 58(1).

Destruction of critical habitat

58. (1) Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if

(a) the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;

(b) the listed species is an aquatic species; or

(c) the listed species is a species of migratory birds protected by the *Migratory Birds Convention Act, 1994*.

Migratory Birds Convention Act, 1994

This Act and its complementary Regulations ensure the conservation of migratory bird populations by regulating potentially harmful human activities. A permit must be issued for all activities affecting migratory birds, with some exceptions detailed in the Regulations.

In the *Migratory Birds Regulations*, you will find the regulatory requirements:

- activities involving birds causing damage or danger (e.g., agriculture)
- activities involving overabundant species
- activities for scientific research purposes
- and more.

The Regulations ban all activities that are harmful to migratory birds, their eggs or their nests. However, some activities, such as hunting, may be practiced with the appropriate permit.

35. (1) Subject to subsection (2), no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds.

(2) Subsection (1) does not apply to the deposit of a substance of a type, in a quantity and under conditions authorized by (a) regulations made by the Governor in Council under any Act for any waters in respect of which those regulations apply; or

(b) the Minister for scientific purposes.

6. Subject to subsection 5(9), no person shall

(a) disturb, destroy or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird, or

(b) have in his possession a live migratory bird, or a carcass, skin, nest or egg of a migratory bird except under authority of a permit therefor.

Migratory Game Birds:

- Anatidae, or waterfowl (ducks, geese and swans);
- Charadriidae (lapwings and plovers);
- Columbidae (doves and wild pigeons);
- Gruidae (cranes);
- Haematopodidae (oystercatchers);
- Rallidae (coots, gallinules and rails);
- Recurvirostridae (stilts and avocets); and

- Scolopacidae (sandpipers and allies);

2. Migratory Insectivorous Birds:

- Aegithalidae (long-tailed tits and bushtits);
- Alaudidae (larks);
- Apodidae (swifts);
- Bombycillidae (waxwings);
- Caprimulgidae (goatsuckers);
- Cardinalidae* (cardinals, grosbeaks and buntings);
- Certhiidae (creepers);
- Cinclidae (dippers);
- Cuculidae (cuckoos);
- Emberizidae* (emberizid sparrows);
- Fringillidae (cardueline finches);
- Hirundinidae (swallows);
- Icteridae*† (bobolinks, meadowlarks, and orioles, but not including blackbirds in this family);
- Laniidae (shrikes);
- Mimidae (catbirds, mockingbirds, thrashers, and allies);
- Motacillidae (wagtails and pipits);
- Muscicapidae‡ (old world flycatchers);
- Paridae (titmice);
- Parulidae* (wood-warblers);
- Picidae (woodpeckers and allies);
- Regulidae‡ (kinglets);
- Sittidae (nuthatches);
- Sylviidae‡ (gnatcatchers and old world warblers);
- Thraupidae* (tanagers);
- Trochilidae (hummingbirds);
- Troglodytidae (wrens);
- Turdidae‡ (robins and thrushes);
- Tyrannidae (tyrant flycatchers); and
- Vireonidae (vireos).

3. Other Migratory Nongame Birds:

- Alcidae (auks, auklets, guillemots, murre, and puffins);
- Ardeidae (bitterns and herons);
- Gaviidae (loons);
- Hydrobatidae (storm petrels);
- Laridae (gulls, jaegers, and terns);
- Podicipedidae (grebes);
- Procellariidae (petrels and shearwaters); and
- Sulidae (gannets).

Federal Fisheries Act, (R.S., 1985, c. F-14)

Department of Fisheries and Oceans Canada (DFO)

Relevant excerpts used only. The complete document can be found

<http://laws.justice.gc.ca/en/ShowTdm/cs/F-14///en>

The Fisheries Act is federal legislation dealing with three fundamental subject matters:

- the proper management and control of the fisheries;
- the conservation and protection of fish and the protection of fish habitat; and,
- the prevention of pollution.

It applies to all Canadian fisheries waters. The federal Minister of Fisheries and Oceans Canada (DFO) is responsible to Parliament for administering the *Act*, including its fish habitat related provisions. Canada's *Fisheries Act* assigns Fisheries and Oceans the responsibility to administer and enforce the conservation and protection of fish habitat and applies to the whole of Canada, including private property in every province and territory.

The key provisions to conserve and protect fish habitat are found in what are known as the habitat protection and pollution prevention provisions and the decision-making powers and duties under these provisions remain an exclusive federal responsibility throughout Canada. Section 35 is the key habitat protection provision that prohibits the harmful alteration, disruption or destruction of fish habitat without an authorization from the Minister or through regulations under the Act.

FISH HABITAT PROTECTION AND POLLUTION PREVENTION

Definitions

34. (1) For the purposes of sections 35 to 43,

"deleterious substance" means

(a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water, or

(b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water,

"deposit" means any discharging, spraying, releasing, spilling, leaking, seeping, pouring, emitting, emptying, throwing, dumping or placing;

"fish habitat" means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes;

"water frequented by fish" means Canadian fisheries waters.

Harmful alteration, etc., of fish habitat

35. (1) No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.

Alteration, etc., authorized

(2) No person contravenes subsection (1) by causing the alteration, disruption or destruction of fish habitat by any means or under any conditions authorized by the Minister or under regulations made by the Governor in Council under this Act.

Deposit of deleterious substance prohibited

(3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

BC Provincial Water Act, [RSBC 1996] CHAPTER 483

Government of British Columbia

Relevant excerpts used only. The complete document can be found at:

http://www.qp.gov.bc.ca/statreg/stat/W/96483_01.htm#section1

Definitions

"changes in and about a stream" means

(a) any modification to the nature of a stream including the land, vegetation, natural environment or flow of water within a stream, or

(b) any activity or construction within the stream channel that has or may have an impact on a stream;

"stream" includes a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch;

Changes in and about a stream

9 (1) The comptroller, a regional water manager or an engineer may grant an approval in writing authorizing on the conditions he or she considers advisable

(a) a person to make changes in and about a stream,

(b) a minister of the Crown, either in right of Canada or of British Columbia, to make changes in and about a stream, or

(c) a municipality to make changes in and about a stream.

(2) A minister, municipality or other person may only make changes in and about a stream in accordance with an approval under this section or in accordance with the regulations or a licence or order under this Act.

Terms and Conditions for changes in and about a stream specified by the Habitat Officer

Ministry of Environment, Lower Mainland Region (March, 2006)

http://www.env.gov.bc.ca/wsd/regions/sry/wateract/terms_conditions_sry.pdf

Part 7 of the *British Columbia Water Regulation* (the Regulation) specifies a number of general conditions applicable to those changes in and about a stream that can be undertaken without the necessity of obtaining an approval or licence. For some types of changes, prior notification of a habitat officer is required. Section 42(1) of the Regulation authorizes the habitat officer to specify additional terms and conditions for those changes. This document provides the terms and conditions of the

habitat officer for the Ministry's Lower Mainland Region.

The Ministry's *Standards and Best Practices for Instream Works* should be consulted for assistance in meeting these terms and conditions:

To protect habitat, a person making a change in and about a stream under the Water Regulation, other than under section 44(1)(o) to (s) or 44(2), must make that change in accordance with the following terms and conditions.

1. All activities must be undertaken in accordance with the most recent version of the *Guidelines for Reduced Risk Instream Work Windows, Ministry of Environment, Lower Mainland Region*.
2. The natural rate of water flow must be maintained immediately upstream and downstream of the worksite during all phases of instream activity.
3. In fish streams, the removal of stable, natural materials from the stream or stream channel is not permitted. In non-fish streams, the permanent or temporary removal of stable, naturally occurring material must be minimized and completed in accordance with Part 7 of the *Water Regulation*.
4. If de-watering of the worksite is necessary, salvage of fish and aquatic wildlife by an appropriately qualified professional must occur prior to commencing works. All required salvage permits must be obtained prior to commencing salvage activities from the Ministry's Permit and Authorization Service Bureau.
5. Adequate measures must be taken to ensure that equipment (e.g. water pumps) does not harm aquatic life.
6. Disturbance to natural materials and vegetation that contribute to fish and wildlife habitat or stream channel stability must be minimized.
7. Any disturbed areas (e.g. riparian areas) must be restored to function as they did in their predisturbance condition. Appropriate native seed/plant/tree species must be used to restore the site to pre-disturbance conditions. Restoration must be completed in a manner that will minimize colonization and spread of noxious weeds.
8. Proponents are responsible for determining whether the federal Department of Fisheries and Oceans (DFO) must be consulted and whether an authorization from DFO is required, prior to making the change. No harmful alteration, disruption or destruction (HADD) of fish habitat is authorized by this document.

Vancouver Board of Parks and Recreation – Park By-laws

City of Vancouver – Board of Parks and recreation

Relevant excerpts used only. The complete document can be found at:

<http://vancouver.ca/Parks/info/regs/parkscontrolbylaw.pdf>

2. No person shall cut, break, injure, remove or in any way destroy or damage any rock, soil, tree, shrub, plant, turf or flower, or any building, structure, fence, sign, seat, bench or ornament of any kind or in any way foul or pollute any fountain, lake, stream, pool, pond, well or spring in any park, or injure, deface or destroy any notices, rules or regulations posted or affixed to anything by order or permission of the Board.

8. (a) No person shall take part in any procession, drill, march, performance, ceremony, concert, gathering or meeting in or on any park or driveway unless with the written permission of the General Manager first had and obtained.

(b) No person shall make a public address or demonstration or do any other thing likely to cause a public gathering or attract public attention in any park without the written permission of the General Manager first had and obtained.

(c) No person shall operate any amplifying system or loud speaker in any park without the written permission of the General Manager first had and obtained.

9. (a) No person as owner or having the control of any animal or fowl shall suffer or permit such animal or fowl to run at large or feed upon any park except that a dog which is in the custody of a competent person is permitted:

(i) any area, except where the General Manager has posted the notice referred to in subsection (aa) if it is on a leash not exceeding 2 and 2 metres in length; and

(ii) to be off a leash in an area designated in Schedule 1 of this By-law within the time limits established by the General Manager and posted within the area.

(b) Any dog, fowl or other animal found in any park, beach or bathing beach in contravention of this by-law may be impounded and shall then be subject to the provisions of the Animal Control By-law. The owner or other person having custody of such animal or fowl who suffers or permits the same to run at large or feed in or on any such park or driveway shall be deemed to be guilty of an infraction of this by-law and shall be liable to the penalties hereinafter imposed.

(c) Except as permitted by subsection (a) and notwithstanding any of the provisions of subsection (b) above, all dogs are prohibited from bathing beaches and other areas posted by the General Manager, and the provisions of the Pound By-law with reference to impoundment contained in subsection (b) above shall apply *mutatis mutandis*.

10. No person shall conduct himself or herself in a disorderly or offensive manner, or molest or injure any other person, or loiter or take up a temporary abode overnight in any place on any portion of any park, or obstruct the free use and enjoyment of any park or place by any other person, or violate any by-law, rule, regulation, notice or command of the Board, the General Manager, Peace Officer, or any other person in control of or maintaining, superintending, or supervising any park of or under the custody, control and management of the Board; and any person conducting himself or herself as aforesaid may be removed or otherwise dealt with as in this by-law provided.

11. No person shall erect, construct or build or cause to be erected, constructed or built in or on any park any tent, building, shelter, pavilion or other construction whatsoever without the permission of the General Manager.

14. No person shall, without permission of the General Manager first had and obtained:

(c) except as permitted by section 9 (a) cause or permit any dog or other animal to enter into the water of a reservoir, pond, pool, lake, stream or a water receptacle associated with a park;

(g) drive any vehicle on any footpath or promenade in any park;

(h) ride any bicycle upon any sidewalk, footpath or promenade in any park unless such sidewalk, footpath or promenade has been so designated as a cycle path and specifically provided therefor, and in this respect the provisions of the Street and Traffic By-law shall

(l) deposit food or grain on any area in a park except in litter cans provided by the Board for the purpose of receiving garbage and litter;

(m) in any area of a park where litter containers are not provided, all litter shall be removed from the park by the persons responsible for its presence.

14A. Except for litter which is deposited in compliance with section 14B, no person shall deposit any garbage, refuse or other waste material in a park.

14B. No person shall deposit litter in a park except in litter containers provided, maintained or authorized by the Board.