

**BY-LAW NO. 44-2002  
PARKLAND COUNTY**

**BEING A BY-LAW OF PARKLAND COUNTY TO CONTROL AND REGULATE  
THE USE OF PARKS WITHIN THE COUNTY.**

WHEREAS Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, provides that Council may pass a By-law regulating and controlling the use of public places within Parkland County.

NOW THEREFORE, the Council of Parkland County in regular meeting duly assembled, hereby enacts the following to control and regulate the use of parks within the boundaries of Parkland County:

1. This By-law may be cited as the Parkland County Parks By-law.
2. In this By-law:
  - (a) "Park" shall mean those reserve lands, recreational lands and other lands within the County which are owned by or controlled by the County.
  - (b) "Firearm" means any barreled weapon from which any shot, bullet, or other missile can be discharged and that is capable of causing serious bodily injury or death to a person and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm. "Firearm" shall also include pellet guns, CO<sub>2</sub> guns, and those commonly referred to as BB guns
  - (c) "County" shall mean Parkland County.
  - (d) "Peace Officer" shall mean a member of the Royal Canadian Mounted Police, a Wildlife Officer, a Special Constable, or By-law Enforcement officer employed by the County.
  - (e) "All terrain vehicle" means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery.
  - (f) "Off-highway vehicle" means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel,
    - (i) 4 wheel drive or low-pressure tire vehicles
    - (ii) motor cycles and related 2-wheel vehicles
    - (iii) amphibious machines
    - (iv) all terrain vehicles
    - (v) miniature motor vehicles,
    - (vi) snow vehicles,
    - (vii) minibikes, and
    - (viii) any other means of transportation that is propelled by any power other than muscular power or wind.The definition is not complete if the intention is to have the same definition which is in the *Highway Traffic Act* (Alberta).
  - (g) "Motor Vehicle" means, but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs only on rails:
    - (i) a vehicle propelled by any power other than muscular power, or
    - (ii) a moped.
  - (h) "Motor cycle" means a motor vehicle mounted on 2 or 3 wheels and includes those motor vehicles known to the trade as motor cycles, scooters and power bicycles.
  - (i) "Hunt" means, with reference to wildlife, exotic, or domestic animals,
    - (i) shoot at, harass or worry,
    - (ii) chase, pursue, follow after or on the trail of, search for, flush, stalk or lie in wait for,



- (iii) capture or willfully injure or kill, or attempt to do so, or
    - (iv) assist another person to hunt in a manner specified in sub clause (i), (ii), or (iii) while that other person is so hunting.
  - (j) "Reserve Lands" means environmental reserve and municipal reserve as defined in the *Municipal Government Act* S.R.A. 2000 c. m-26.
3. (a) All parks within the County, unless otherwise indicated by sign, shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m.
- (b) No person shall enter into or remain in a park or part thereof that is closed to the public.
- (c) Any person in a park after it is closed to the public may be asked to leave by a Peace Officer or may be issued a Violation Ticket.
- (d) Any person who refuses to leave a park after having been asked to do so by a Peace Officer or who has been issued a Violation Ticket for contravening this By-law may be removed from the park.
- (e) No person shall be in violation of Section 3(b) if he or she is attending a function at a community hall facility, recreation facility or school facility situated on or adjacent to a park or at a function or event approved by the County.
4. (a) No person shall cut or cause to be cut, any tree in any park within the County.
- (b) No person shall remove or disturb any plant life, soil or other materials in any park within the County.
- (c) Notwithstanding Sections 4(a) and 4(b), a person or persons designated by the County may permit the removal of trees or plant life, soil or other materials when it is necessary.
5. (a) No person shall keep or have an open fire for any purpose in any park within the County.
- (b) Subsection (a) does not apply to a person or persons:
- (i) attending an outdoor fire for cooking or warming purposes, provided said fire is contained in a designated area or receptacle which has been provided by the County, or
  - (ii) designated by the County to burn for the maintenance, development or improvement of any park within the County.
- (c) A person or persons designated to burn as described in Subsection (5.b.ii) shall, during the proclaimed fire season, firstly obtain a valid fire permit.
6. No person shall discharge, fire, or set off fireworks from, on or over any parks within the County without a valid permit issued by the County.
7. (a) No person shall hunt or disturb wildlife, exotic, or domestic animals in any park within the County.
- (b) Subsection 7(a) does not apply to any person or persons designated by the County to carry out wild or domestic animal control.
8. (a) No person shall use or permit the use of bow and arrow in any park within the County unless the said park is listed in Schedule B. Council, by resolution, shall be at liberty from time to time to amend Schedule "B".
- (b) No person shall discharge or permit the discharge of a firearm in any park within Parkland County.
- (c) Subsections 8(a) and 8(b) do not apply to any person or persons designated by the County for the use of bow and arrow and firearms in carrying out wild or domestic animal control.
9. No person shall remove, deface or destroy County signs or any County owned property placed in any park within the County.
10. (a) No person shall operate a motor vehicle, an off-highway vehicle, all-terrain vehicle or motorcycle in any park within the County, where signs prohibit such operation.


- (b) Subsection (a) does not apply to any person or persons designated by the County to operate an off-highway vehicle, all-terrain vehicle, motorcycle, or motor vehicle in a park.
- (c) If a motor vehicle, off-highway vehicle, trailer, equipment, appliance, article or object
  - (i) abandoned,
  - (ii) remains in an area after the authorization to be in that area has expired, or
  - (iii) is located in any prohibited area,
 a Peace Officer may remove, store and dispose of this item in accordance with this by-law.
- (d) A Peace Officer may seize any motor vehicle, off-highway vehicle, trailer, or any equipment, appliance or other article or object that is being used in a park in contravention of this bylaw, or in contravention of any other act or the regulations made thereunder, whether it is found in the possession of the person alleged to have committed the contravention or not.
- (e) If a motor vehicle, off-highway vehicle, or trailer is involved in a contravention of this bylaw, the owner of that motor vehicle, off-highway vehicle, or trailer is guilty of an offense and shall, upon conviction, be subject to the penalties prescribed by Schedule "A" of this By-law, as amended from time to time by resolution of Council unless the owner proves to the satisfaction of the court that at the time of the offense the motor vehicle, off-highway vehicle, aircraft, boat or trailer was not being operated or used by him.

- 11. No person shall ride a horse in any park in the County where signs prohibit.
- 12. No person shall offer for sale within any park, any article of food, drink, or merchandise or carry on any business unless such person has received the appropriate permit to do so from Parkland County.
- 13. Notwithstanding any of the above provisions, the County may by written agreement exempt any parks from any or all provisions of this By-law.
- 14. Any person contravening any provision of this By-law is guilty of an offence, and shall, upon conviction, be subject to the penalties prescribed by Schedule "A" of this By-law, as amended from time to time by resolution of Council of the County.
- 15. This By-law repeals By-law No. 7-93, effective the date of final passage.

READ a first time this 24<sup>th</sup> day of September, A.D. 2002.

READ a second time this 8<sup>th</sup> day of October, A.D. 2002.

READ a third time and finally passed by the Councillors present this 8<sup>th</sup> day of October, A.D. 2002.

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Manager, Legislative & Administrative Services



**SCHEDULE "A"**  
**to By-law No. 44-2002**

**WHEREAS**, under the provisions of Section 44 of the Provincial Offences Procedure Act, being Chapter P-34 of the Revised Statutes of Alberta, 2000, and amendments thereto and under the provisions of Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Council of a municipality may by By-law provide for the payment of traffic tickets or summons out of court.

A notice of form (commonly called a violation ticket) may be issued by a Peace Officer to any person charged with a breach of any of the provisions of this By-law and the hereto mentioned Acts shall apply in regards to the payment.

		1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	Subsequent Offence
Section 3(b)	Remain in Park After Hours	100.00	200.00	300.00
Section 4	Cutting Trees/Disturb Plant Life, Soil or Other Materials	100.00	200.00	300.00
Section 7	Hunt or Disturb Wildlife	100.00	200.00	300.00
Section 8(a)	Prohibited Use of Archery Equipment	100.00	200.00	300.00
Section 8(b)	Discharge of Firearms	100.00	200.00	300.00
Section 9	Deface or Destroy Signs	150.00	250.00	350.00
Section 10	Operation of Off-highway Vehicles, All- terrain Vehicles, Motorcycles, and Motor Vehicles Where Prohibited	100.00	200.00	300.00
Section 10(e)	Registered Owner in Contravention of Section 10(a)	See penalty for contravened section		
Section 11	Horseback Riding Where Prohibited	50.00	100.00	200.00

A person found guilty of an offence against this By-law where no penalty has been specifically provided is liable on Summary Conviction to a fine not exceeding Twenty-Five Hundred Dollars (\$2,500.00), exclusive of costs and in default of payment to imprisonment for a period not exceeding six (6) months, unless the fine and costs including the costs of committal are sooner paid.

**SCHEDULE "B"**  
**to By-law No. 44-2002**

As referred to in By-law No. 44-2002 and being a By-law of Parkland County, to control and regulate the use of parks within the County. Subject to a resolution of Council, the following lands have been designated for the use or permit the use of bow and arrow.

- None.