

PARKLAND COUNTY**BYLAW NO. 05-2012****BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSES OF CONTROLLING AND REGULATING THE USE OF PARKS AND TRAILS WITHIN PARKLAND COUNTY**

WHEREAS the provisions of Section 7 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, and amendments thereto, the Council of a Municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property, AND

WHEREAS under the provisions of Section 42 of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto, and under the provisions of Section 7 of the *Municipal Government Act* and amendments thereto, the Council of a Municipality may by bylaw provide for the payment of violation tickets or commons out of court, AND

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereafter enacts the following:

1. Title

- (1) This Bylaw shall be known as the Parkland County "Parks Bylaw," and may be cited as such and will be referred to herein as "this Bylaw."

2. Definitions

- (1) In this Bylaw:

- a. "Abandoned" means left standing in a Park for more the seventy-two (72) consecutive hours without a permit or authorization from the county.
- b. "Aircraft" means a device that is designed to carry one or more persons or objects through the air in powered or powerless flight.
- c. "Animal" means a domestic animal and includes an animal that is wild by nature but has been domesticated.
- d. "Business" means any trade, industry, employment, occupation, activity, or special event carried on in a Park for profit, gain, commercial promotion or fundraising including those taken on by a charitable organization, or by an organization, or individual on a non-profit basis.
- e. "Camp" means locating of, erecting of, or use of a camping accommodation unit for the provisions of sleeping accommodations, and includes overnight or any portion thereof;
- f. "Council" means the Council of Parkland County.
- g. "County" means Parkland County.
- h. "Day-use area" means a Park or portion thereof formally developed and maintained by County for use by County residents.
- i. "Environmental Reserve" means land designated as environmental reserve by reason of any subdivision approval or by Council, pursuant to the *Municipal Government Act*.
- j. "Fire Ban" means a general fire prohibition as authorized by Council under the County's Fire Permit Bylaw.
- k. "Firearm" means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things.
- l. "Geochaching" means an outdoor activity in which participants use a global positioning system receiver or mobile device and other navigational techniques to hide and seek containers, called geochaches or caches.
- m. "Geocache" means a container, usually containing a logbook and small trading items, tucked away for others to find.
- n. "Highway" means a highway as defined under the *Traffic Safety Act*.
- o. "Horse" means either male or female of any domesticated equine mammal.
- p. "Motor vehicle" means a motor vehicle as defined under the *Traffic Safety Act*.

- q. "Liquor" means liquor as defined under in the *Gaming and Liquor Act*.
- r. "Motor vehicle" means a motor vehicle as defined under the *Traffic Safety Act*.
- s. "Municipal Reserve" means land designated as municipal reserve by reason of any subdivision approval or by Council, pursuant to the *Municipal Government Act*.
- t. "Off-highway vehicle" means an off highway vehicle as defined in the *Traffic Safety Act*.
- u. "Park" means land designated as reserve land classified as Municipal Reserve, Environmental Reserve, Reserve and any other recreation areas owned or controlled by Parkland County.
- v. "Peace Officer" means a peace officer as defined in the *Provincial Offenses Procedures Act, RSA 2000, Section 1(k)*, as amended from time to time.
- w. "Permission" means any form of permission, including permit, license, approval, authorization, consent or other form of concurrence that is or may be issued or otherwise given pursuant to this Bylaw, but does not include a disposition.
- x. "Violation ticket" means a ticket issued pursuant to Part II of the *Provincial Offenses Procedures Act, RSA 2000, c. P-34*, as amended and Regulations there under.
- y. "Unauthorized Use" means use of County Park, through construction, storing, landscaping, erecting, placing or removal of anything on, in, under or over County Park, without written permission from the County. Examples of Unauthorized Use include but are not limited to:
 - i. The placement of a driveway, Parking area, utilities, telecommunication facilities, walkway, patio, deck, retaining wall, fence, shed, residence, steps, stairs, fire pit, firewood, composter, vehicles or other structures and chattels;
 - ii. Drainage facilities such as pipes, catch basins, ditches, sumps, swales, on site sewage disposal, detention ponds or ancillary structures;
 - iii. Building materials, stockpiles, debris, refuse or other chattels.

3. Park Use

(1) Public Conduct

- a. A person who enters a Park shall comply with any lawful order and instructions made or issued pursuant to this Bylaw and the instructions, prohibitions and directions prescribed by all County signs and notices.
- b. A person must not obstruct a Peace Officer who is performing his or her duties.
- c. No person shall do an act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- d. All Parks within the County, unless indicated by a sign, shall be closed to the public between the hours of 2300 and 0600.
- e. A person engaging in an activity under this Bylaw shall pay the fee in respect to that activity that is required and set by the County as listed in Schedule A. Council, by resolution, shall be at liberty from time to time to amend Schedule A.
- f. No person shall enter into or remain in a Park or part thereof that is closed to the public.
- g. Any person in a Park after it is closed to the public may be asked to leave by a Peace Officer and may be issued a Violation Ticket.
- h. 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 Bylaw may be removed from the Park.
- i. No person shall be in violation of Section 3.1(d) if he or she is attending a sanctioned function at a community hall facility, recreation facility or school facility situated on or adjacent to a Park or at a function or event which has received permission from the County.
- j. No person shall organize or participate in an outdoor gathering of more than fifty (50) people within a designated Park without prior written permission from the County; unless it is a sanctioned function at a community hall, recreation facility or school facility situated on or adjacent to a park.
- k. A person must not defecate or urinate in a Park except in designated facilities.
- l. A person must not make or cause any noise or sound, including the playing of portable music devices that in the opinion of a Peace Officer:
 - i. Disturbs, or is likely to disturb the peace, enjoyment, or comfort of persons in the vicinity, or
 - ii. Disturbs or disrupts or is likely to disturb or disrupt wildlife in the Park

- m. Liquor
 - i. No person shall contravene the provisions of the *Gaming and Liquor Act*, and regulations.
 - ii. No person shall possess open liquor while in a Park.
 - iii. When the Peace Officer encounters a person committing an offence under Subsection m (i-ii), the Peace Officer may direct the person to dispose of the liquor.
- n. A person must not act in a way that in the opinion of the Peace Officer is disorderly, dangerous, or offensive, including but not limited to: excessive and loud use of offensive language, drunkenness, nudity, and violent behavior.
- o. Winter storage of docks/boat lifts on Park land may be permitted between October 1st and May 31st of each calendar year, under the following conditions:
 - i. No storage can occur on crown owned bed and shore.
 - ii. No vegetation removal will be allowed to accommodate storage of docks/boat lifts.
 - iii. Structures must be clearly flagged and stored in a safe manner.
 - iv. Access to and along the shore is not to be obstructed.
 - v. Any structure stored between June 1st and September 30th will be removed at the owner's expense.

(2) Nuisances

- a. A person using a Park shall keep the land and improvements in a condition satisfactory to a Peace Officer.
- b. A person vacating a Park shall restore the land and improvements as nearly as possible, to a clean and tidy condition.
- c. No person shall deposit or place in a Park any liquid waste, paper, cardboard food, refuse, tins, bottles, glass or any litter or refuse of any kind likely to prove offensive, injurious or unsightly to any user of the Park unless such material is placed in receptacles provided for the purpose of collecting such matter.
- d. No person shall bring commercial or residential waste matter into a Park for disposal.
- e. In areas in a Park where waste disposal receptacles are not provided, all users shall carry any waste produced by them out of the area for disposal.
- f. No person shall bathe, or clean clothing, cooking and eating utensils, vehicles or other items, at or near any bodies of water, drinking fountain, stand pipe, well or pump in any Park.
- g. If a motor vehicle, off-highway vehicle, aircraft, boat trailer, equipment, appliance, article or object:
 - i. Is abandoned, or
 - ii. Remains in an area after authorization to be in that area expires, or
 - iii. Is located in a prohibited area,
 a Peace Officer may move the object or cause it to be moved and stored at a location determined by the Peace Officer.
- h. Where a Peace Officer moves or stores an object or causes it to be moved or stored under this section, the cost of doing so:
 - i. Shall be payable by the owner of the object, or
 - ii. Constitute a lien on the item, and
 - iii. May be recovered from the owner in an action of debt; and must be paid before the object is released to the owner, operator, or person in charge of it.
 - iv. Property stored pursuant to the foregoing and which remains unclaimed for a period of six (6) months from the date it was stored, may be disposed of as the County deems appropriate.

(3) Damage

- a. No person in any Park within the County shall:
 - i. cut or cause to be cut, break, bend or in any way deface any vegetation,
 - ii. throw any substance at or near animals or vegetation in such a way as causes, or is likely to cause damage or injury,
 - iii. remove or disturb any plant life, soil or vegetation including invasive species,
 - iv. walk, stand, sit or otherwise traverse any vegetation where signs are posted prohibiting persons from doing so,
 - v. plant trees, shrubs, or Vegetation in any Park unless prior written permission has been obtained from the County,
 - vi. mark, deface, injure, or destroy any object in a Park, whether created by natural means or otherwise.
- b. Notwithstanding Section 3.3(a), a person or persons designated by the County may permit the removal or planting of trees or plant life, soil or other materials when it is necessary.

- c. No person shall mark, deface, injure, move, destroy or otherwise interfere with any sign, fence building, wall, picnic table, bench, exhibit or any other property that is erected in any Park within the County unless prior written permission has been obtained from the County.
- d. No person shall dig, excavate or conduct any construction or building operations within a Park unless prior written permission has been obtained from the County.

(4) Fire

- a. No person shall set, light or maintain a fire in all or any part of the designated Park where a sign or notice prohibits the same.
- b. No person shall:
 - i. Set, light or maintain a fire in a Park except in a fireplace, pit or other facility designated for that purpose,
 - ii. Leave a fire unattended or allow it to spread,
 - iii. Deposit or dispose of hot coals, ashes, embers or other burning or smoldering material in a place other than a stove, fire pit or other designated location,
 - iv. Leave a fire, hot coals, embers or other burning or smoldering material without extinguishing them prior to leaving the Park.
- c. Notwithstanding Section 3.4(a-i), a person or persons designated by the County may, upon obtaining a valid fire permit, conduct a prescribed burn when it is necessary for Park maintenance, development or improvement.
- d. Where the Fire Chief is of the opinion that a fire hazard exists in a designated Park, he may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the designated Park.

(5) Restricted Activities

- a. Camping
 - i. No person shall set up, take temporary abode, or otherwise camp, in a Park.
- b. Geocaching
 - i. Any cache placed in a Park will not be considered as permanent. The owner of the cache must remove the cache if they are no longer actively promoting it or if the cache has been in place for three (3) years, whichever happens soonest.
 - ii. Caches may be removed if they are not identifiable or potentially destructive to wildlife or vegetation.
- c. Dangerous Objects
 - i. No person shall cast, throw or otherwise launch any stones, lawn darts, golf balls, missiles, model rockets, or dangerous objects from, on or over any Parks within the County except in an area where a sign designates the space for that purpose or unless prior written approval has been obtained from the County.
- d. Fireworks/Explosives
 - i. No person shall discharge, fire or set off fireworks or explosives of any type from, on or over any Parks within the County without a valid permit issued by the County.
- e. Firearms/Hunting
 - i. No person shall discharge or permit the discharge of a firearm, slingshot, bow or crossbow in any Park within the County.
 - ii. Notwithstanding Section 3.5(e-i), a person or persons may discharge a firearm in a designated Wildlife Habitat as per Discharge of Firearms Bylaw No. 11-2011, during the open hunting season as designated by the current *Wildlife Act*.
 - iii. Section 3.5 (c-i) does not apply to Peace Officers engaged in the performance of their duties.
- f. Unauthorized Use
 - i. No person shall engage in unauthorized use of County Park or any other property under the direction, control or management of the County.

(6) Animals

- a. No person having the custody or control of an animal shall
 - i. bring the animal into a Park or allow the animal to enter or remain in a Park unless it is in a cage or restrained by a leash, chain or other device that is not greater than three (3) meters in length;
 - ii. bring into or allow an animal to enter or remain in or on any area in a Park that is:
 - a designated swim area,
 - a beach area adjacent to a designated swim area,
 - a public washroom, public shelter or any other public building,
 - a playground, designated sportsfield or structure, or
 - an area where signs are posted prohibiting animals.

- b. No person shall bring Livestock into a Park unless prior written permission has been obtained from the County.
- c. An owner whose animal defecates on Park property shall remove forthwith any defecated matter.
- d. A Peace Officer may refuse admittance to a Park or require to be removed from a Park any animal if in his opinion, it is not under the control of a responsible person or may be a nuisance or damage to the life, safety, health, property or comfort of any person in the Park.
- e. A Peace Officer may capture an animal running at large in a Park pursuant to the Parkland County Animal Control Bylaw No. 28-2009.
- f. Horses
 - i. No person shall ride, walk or bring a Horse into any playground, sports field or cross country ski trail or where prohibited by a sign.
- g. Wildlife
 - i. No person shall hunt or disturb wildlife, exotic or domestic animals in any Park within the County.
 - ii. Notwithstanding Section 3.6(g-i), a person or persons may hunt in a designated Wildlife Habitat as per Discharge of Firearms Bylaw No. 11-2011 during the open hunting season as designated by the current *Wildlife Act*.
 - iii. Notwithstanding section 3.6(g-i), a person or persons designated by the County may, in accordance with the Wildlife Act, carry out wild or domestic animal control.

(7) Vehicles

- a. No person shall operate a motor vehicle, an off-highway vehicle, all-terrain vehicle, motorcycle, moped or any other such specialized means of conveyance, whether motor driven or propelled by human power in a Park except:
 - i. On a trail or in an area set aside for such conveyances as designated or identified by regulatory signs permitting such use, or
 - ii. On a place or way which the public is ordinarily entitled or permitted to use for the passage of such conveyances.
- b. Section 3.7(a) does not apply to bicycles or such vehicles required by handicapped persons.
- c. No person shall park a motor vehicle, boat, trailer or camping accommodation unit in a Park other than in areas designated for the purpose and subject to fees as listed in Schedule B.
- d. A Peace Officer may prohibit the entry of a vehicle into any part of a Park.
- e. Notwithstanding Section 3.7(a,c), a person or persons designated by the County may use an appropriate vehicle when it is necessary for Park maintenance, development or improvement.
- f. Notwithstanding Section 3.7(a,c), a person or persons may, with written permission from the County use an appropriate vehicle when it is necessary for special event management and operation.

(8) Business

- a. No person shall display or post any signs, flyers or advertisements in a Park other than signs and advertisements approved by the County.
- b. No person shall carry on business in a Park unless he has received permission from the County for that purpose.
- c. The holding of any and all activities, amusements, entertainments, parades, promoted spectator sporting events where a fee is collected, is prohibited within Parks unless permission has been obtained from the County. The County may also charge any fees necessary to recover any expenses incurred to support the event.

4. Penalties

- (1) A person who contravenes any provisions of this Bylaw either by doing something which he is prohibited from doing or failing to do something which he is required to do is guilty of an offence and is liable on summary conviction to a fine, not in excess of \$2500, exclusive of costs, or, in default of payment of the fine and costs of the committal, to imprisonment for a period not exceeding six (6) months or until such fine and costs are sooner paid.
- (2) Where a Peace Officer believes that a person has contravened any provisions of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

- (3) If a motor vehicle, off-highway vehicle, aircraft, boat, or trailer is involved in a contravention of this Bylaw, the owner of that motor vehicle, off-highway vehicle, aircraft, boat or trailer is guilty of an offence unless he proves to the satisfaction of the court that at the time of the offence the motor vehicle, off-highway vehicle, aircraft, boat or trailer was not being operated or used by him.
- (4) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule B of this Bylaw.

5. Severability

- (1) Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining bylaw shall remain in force.

6. Exercise of Discretion

- (1) The County has the ability to exercise discretion in the application of this Bylaw and its contents as defined in the Municipal Government Act under Section 529.

7. Effective Date

- (1) This Bylaw hereby repeals Bylaw No. 44-2002 and Bylaw No. 26-98.
- (2) This Bylaw shall come into full force and effect upon third and final reading thereof.

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME and finally passed this _____ day of _____, 2012.

MAYOR

MANAGER, Legislative and Administrative Services

SCHEDULE A – FEES

Bylaw Reference	Activity	Park/ Municipal Reserves	Fee
	Parking May - Sept	Jackfish Lake	\$20.00

SCHEDULE B – PENALTIES Option 1

Bylaw Reference	Offence	Penalty		
		1 st Offence	2 nd Offence	Subsequent Offence
3.1	Public Misconduct	\$100	\$200	\$300
3.2	Park Nuisance	\$100	\$200	\$300
3.3	Park Damage	\$100	\$200	\$300
3.4	Unlawful Fire	\$100	\$200	\$300
3.5	Participating in a Restricted Activity	\$100	\$200	\$300
3.6	Animal	\$100	\$200	\$300
3.7	Unlawful use of Vehicle in Parks	\$100	\$200	\$300
3.8	Operating or promoting a business within a Park	\$100	\$200	\$300