

PARKLAND COUNTY
PROVINCE OF ALBERTA

BYLAW 2023-15

BEING A BYLAW FOR THE PURPOSE OF REGULATING THE UNAUTHORIZED USE OF COUNTY LAND

WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26, authorizes Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS pursuant to the *Act*, a Council may pass bylaws for municipal purposes respecting people, activities, and things in, on or near a public place or place that is open to the public;

NOW THEREFORE the Council of Parkland County duly assembled enacts the following:

TITLE

1 This bylaw shall be known as the "Unauthorized Use of County Land Bylaw."

DEFINITIONS

2 The following definitions will apply to the corresponding words in this bylaw:

- (1) "Act" means the *Municipal Government Act*, RSA 2000 c.M-26;
- (2) "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;
- (3) "Chief Administrative Officer" or "CAO" means the individual who holds the position of Chief Administrative Officer of Parkland County or authorized delegate;
- (4) "Council" means the Council of Parkland County;
- (5) "County" means Parkland County;
- (6) "County Lands" for the purpose of this bylaw, means:
 - (a) All County Owned public utility lots;
 - (b) All County held easements and/or rights-of-way registered in favor of the County;
 - (c) All that portion of an undeveloped road allowance, including those closed through Bylaw, under the direction, control and management of the County;
 - (d) All interest granted to the County as the Lessor or Licensee;
 - (e) Designated Land owned and registered in the name of the County at the provincial Land Titles office; land designated as municipal reserve by reason of any subdivision approval or by Council, pursuant to the Act (hereinafter referred to as "Designated Land");
 - (f) Undesignated Land; land owned and registered in the name of the County at the provincial Land Titles office, including those lands which have been developed with a building, structure, or parking lot, (hereinafter referred to as "Undesignated Land");
 - (g) Environmental Land; designated or undesignated land owned and registered in the name of the County at the provincial Land Titles office; holding environmental significance and or designated as conservation or environmental reserves; (hereinafter referred to as "Environmental Land"); and
 - (h) Any property acquired by the County through the Tax Forfeiture process as governed by the Act.
- (7) "Encroachment" means the construction or placement of an improvement on the land of another;
- (8) "Fees and Charges Bylaw" means Parkland County's current Fees and Charges Bylaw, as amended or replaced from time to time;
- (9) "Improvement" means structures or permanent changes to land which augment the use and value. Examples of Improvements include but are not limited to:

driveway, parking area, utilities, telecommunication facilities, walkway, patio, deck, retaining wall, fence, docks, shed, residence, steps, fire pit, firewood, composter, landscaping, drainage swales, sewage disposal systems, or other structures;

- (10) "Motor Vehicle" means a Motor Vehicle as defined under the *Traffic Safety Act*;
- (11) "Off-highway Vehicle" means any amphibious machine, all-terrain vehicle, miniature Motor Vehicle, snow vehicle or minibike, all of which have the same meaning as in the *Traffic Safety Act*;
- (12) "Owner" means:
- (a) Person as registered on the title at the Land Titles Office;
 - (b) Person who is recorded as the Owner of the Property on the County's Assessment roll;
 - (c) Person who has purchased or otherwise acquired Property, whether purchased or otherwise acquired directly from the Owner or from another purchase, and has not become the registered Owner thereof;
 - (d) Person controlling the Property under construction;
 - (e) Person who is the Occupant of the Property under a lease, license, or permit; or
 - (f) Person who has purchased, constructed, inherited or acquired improvements through lawful means.
- (13) "Park" means park as defined in the Parks and Trails Bylaw;
- (14) "Pathway" means a multi-purpose thoroughfare controlled by the County that is set aside for use by pedestrians, cyclists and Persons using wheeled conveyances, which is improved by asphalt, concrete, brick, or any other surface, whether it is in a park, and includes any bridge or structure with which it is contiguous;
- (15) "Peace Officer" means a peace officer as defined in the *Provincial Offences Procedures Act* and includes a County appointed Bylaw Officer;
- (16) "Permit" means a written authorization issued by Parkland County, including but not limited to leases, licenses and easements;
- (17) "Person" means an individual, firm, partnership, association, corporation, or society;
- (18) "*Provincial Offences Procedures Act*", means the *Provincial Offences Procedures Act*, ARSA, 2000, c P-34;
- (19) "Trail" means an established path designated by the County within County land, which is not improved by concrete, asphalt or brick and includes any bridge or structure with which it is contiguous;
- (20) "Unauthorized Use" means a use that is prohibited pursuant to section 6 of this Bylaw, or a use for which a permit is required, but has not been granted, pursuant to section 7 of this Bylaw;
- (21) "Vehicle" means a Motor Vehicle as defined in the *Traffic Safety Act*;
- (22) "Vegetation" includes all fungus, trees, shrubs, plants, flowers, grass and all ground cover, whether it is in its wild or natural state, or has been planted;
- (23) "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act*;
- (24) "Wildlife" means non domesticated animals, or an animal that is wild by nature and is living in its natural habitat but does not include feral cats or birds.

INTERPRETATION

- 3 The headings in this bylaw are for reference purposes only.

COUNTY LAND USE

Public Access, Responsibility, and Enjoyment

- 4 Any Persons accessing County Lands shall do so in compliance with legislated regulations, Permits and pursuant to this Bylaw.

- 5 No Person shall create or allow an Unauthorized Use of County Lands or any other land under the direction, control, or management of the County.
- 6 No Person shall act in a way on County land which, in the opinion of a Peace Officer, is disorderly, dangerous, or offensive, including but not limited to excessive and loud use of offensive language, drunkenness, nudity or violent behavior.

Uses of County Land

- 7 Prohibited activities on County Lands include:
 - (1) Cut, break, injure or deface trees, landscape or vegetation;
 - (2) Harvest or clear cutting of trees;
 - (3) Tease, molest or injure any mammal, bird, reptile, or amphibian, or take, disturb, or destroy eggs, nest or young of a mammal, bird, reptile, or amphibian located on County Land nor act in a manner that causes alarm, injury, or death to them;
 - (4) Discharge firearms on Designated Lands;
 - (5) Discharge firearms on Undesignated Lands or undeveloped road allowances unless under agreement with the County;
 - (6) Hunt or trap on Designated Lands;
 - (7) Hunt or trap on Undesignated Lands or undeveloped road allowances unless these lands are under agreement with the County;
 - (8) Dispose of waste, remains, debris or any item(s) determined as refuse by a Peace Officer, including organic materials such as leaves, grass clippings, dirt, tree trimmings etc.;
 - (9) Place or erect any signs, bulletins, posts, poles, or advertising devices of any kind; attach notice, bill, poster, wire or cord to any tree, scrub, fence, railing, post, or structure;
 - (10) Park or operate Motor Vehicles or Off-highway Vehicles outside of permitted areas;
 - (11) Park or operate Motor Vehicles or Off-Highway Vehicles on Environmental Lands;
 - (12) Set, light, or maintain a fire;
 - (13) Use of explosive substances;
 - (14) Camp or take up occupancy;
 - (15) Discharge contaminants including but not limited to fuel, herbicides, and fertilizers;
 - (16) Tamper with municipal signs;
 - (17) Construct or place fixed improvements, such as fences, decks, retaining walls, garages, sheds, boat houses etc.; or
 - (18) Defecate or urinate on County Lands;
- 8 Permitted activities on County Lands by way of County-approved permit include:
 - (1) Contour or remove any natural features or earth;
 - (2) Create trails or pathways;
 - (3) Plant, disturb or remove vegetation, trees, shrubs, including weeds or invasive species;
 - (4) Erect any artificial wildlife habitats including bird houses, bat boxes or bird feeders;
 - (5) Placement of trail cameras, sensors and/or monitoring equipment for wildlife research;
 - (6) Placement of Geocaches are governed on County Lands as they are in County parks, described within the Parkland County Parks and Trails Bylaw;
 - (7) Operate a drone, micro-drone, or Remotely Piloted Aircraft System (RPAS) for private or commercial purposes;
 - (8) Organize or operate commercial, community, or social events;
 - (9) Construct or operate recreational facilities and events;
 - (10) Graze livestock or cultivate hay
 - (11) Discharge fireworks
 - (12) Place or store improvements, material or equipment including construction material, machinery, seasonal docks and or mooring equipment and platforms; and

(13) Restrict public access.

Encroachments on County Lands

- 9 Encroachments are not allowed on County Lands, unless authorized by a written agreement with the County;
- 10 When an Improvement is discovered on County Lands without written agreement, the CAO or designate may direct the removal of the Improvement.
- 11 The Owner of the Improvement shall be responsible for all costs of removing the Improvement and any remediation of the County Lands resulting from the Improvement.

ENFORCEMENT AND PENALTIES

- 12 Nothing in the Bylaw relieves a Person from complying with any federal or provincial law, bylaw or any requirement of any lawful permit, order, or license.
- 13 Specific references to laws in the Bylaw are meant to refer to current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.

Offences

- 14 Any Person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this bylaw.

Enforcement

- 15 Where a Peace Officer believes that a Person has contravened any provisions of this Bylaw, the Officer may serve upon such a Person a Violation Ticket in accordance with Part 2 or Part 3 of the *Provincial Offences Procedure Act*.
- 16 A Peace Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, may issue notices of inspection and perform inspections pursuant to the MGA.
- 17 A Peace Officer may issue enforcement orders in accordance with the Act, to Person or Persons found to be in non-compliance with this Bylaw.
- 18 If a Motor Vehicle, Off-highway Vehicle, aircraft, drone, boat, or trailer is involved in a contravention of this Bylaw, the owner of that Motor Vehicle, Off-highway Vehicle, aircraft, drone, 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, drone, boat, or trailer was not being operated or used by him.
- 19 The County may use discretion in the application of this Bylaw and its contents as defined in the Act.
- 20 A Peace Officer may use discretion, mediation or provide awareness and education in lieu of applying violation tickets and penalties.

Penalty

- 21 The specific penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the Parkland County Fees and Charges Bylaw.
- 22 The County has the ability to exercise discretion in the application of this Bylaw and its contents as defined in the Act. In deciding whether to enforce this Bylaw, the County may consider any practical concerns including available budget and staffing.

Remedying Contraventions

- 23 Where a Person has contravened any provision of this Bylaw, a Remedial Order may be issued requiring the Person to remedy the contravention.

SEVERABILITY

- 24 Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.

EFFECTIVE DATE

This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this 10th day of October, 2023.

READ A SECOND TIME this _____ day of _____, 2023.

READ A THIRD TIME and finally passed this _____ day of _____, 2023.

SIGNED AND PASSED this _____ day of _____, 2023.

Mayor

Chief Administrative Officer

PROPOSED