

BYLAW 21-2013

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING PUBLIC PARKS AND RECREATIONAL AREAS WITHIN STRATHCONA COUNTY.

WHEREAS, by virtue of the power conferred upon it by the *Municipal Government Act*, RSA 2000 cM-26, as amended or repealed and replaced from time to time, NOW THEREFORE the Council of Strathcona County, duly assembled, enacts as follows:

1. SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as the Strathcona County "Parks Bylaw".

2. SECTION 2 - DEFINITIONS

- 2.1 "Approved Burning Device" means a device made from pottery, metal or masonry, with a firebox that is no larger than 90 centimetres or 36 inches in diameter, located in an area that will not pose a risk for fire spread and that is equipped with an enclosed hearth with a mesh screen that is less than 1.25 centimetres or ½ inch completely covering the top, or a hearth that is enclosed on all sides that has a mesh screen that is less than 1.25 centimetres or ½ inch completely covering the top, or other approved covering that will not permit the spread of fire.
- 2.2 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Chief Commissioner pursuant to the *Municipal Government Act*, RSA 2000, cM-26, to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police (RCMP) and, when authorized, a Community Peace Officer.
- 2.3 "Council" means the Council of Strathcona County.
- 2.4 "County" means Strathcona County.
- 2.5 "Director" means the Director, or delegate, of the County's Department of Recreation, Parks and Culture or its successors.
- 2.6 "Domestic Animal" means any animal, other than a Dog or Livestock, which is kept as a pet.
- 2.7 "Dog" means either the male or female of any domesticated canine species.
- 2.8 "Firearm" means a Firearm as defined in the Firearms Control Bylaw 11-2007, as amended or repealed and replaced from time to time.
- 2.9 "Highway" means a Highway as defined in the *Traffic Safety Act*, RSA 2000, cT-6, as amended or repealed and replaced from time to time.

- 2.10 "Horse" means either the male or female of any domesticated equine mammal.
- 2.11 "Indecent Act" means nakedness or sexual or lewd activity in a Park.
- 2.12 "Livestock" bison, cattle, swine, donkeys, mules, oxen, Large Controlled Animals and Wildlife, sheep, goats, Medium Controlled Animals and Wildlife as those terms are defined in County Bylaw No. 18-2011 the Animal Control Bylaw, as amended or repealed and replaced from time to time.
- 2.13 "Motorcycle" means a Motorcycle as defined in the *Traffic Safety Act*, RSA 2000, cT-6.
- 2.14 "Motor Vehicle" means a Motor Vehicle and includes a trailer as defined in the *Traffic Safety Act*, RSA 2000, cT-6.
- 2.15 "Nuisance" means any use of or activity upon a Park, which in the opinion of the Bylaw Enforcement Officer is offensive to any Person, has or may have detrimental impact upon any Person or other property in the Park, and without limiting the generality of the foregoing, includes but is not limited to the following:
- (a) drawing, painting, or writing a message upon, or placing graffiti on any structure or object within a Park without permission of the Director.
 - (b) vandalism to any structure or object within a Park;
 - (c) any other offensive or inappropriate behavior within a Park;
 - (d) fighting or similar confrontation.
- 2.16 "Off-Highway Vehicle" means Off-Highway Vehicle as defined in the *Traffic Safety Act*, RSA 2000, cT-6.
- 2.17 "Park" includes:
- (a) any public outdoor land and green space specifically for passive or active recreation including tot-lots, playgrounds, band shells, walkways, trails, environmentally significant areas, forest reserves, wildlife sanctuaries, greenbelts, conservation areas, buffers, nature interpretation areas and similar land uses. It includes all natural and man-made landscaping, facilities, sports fields, accesses, trails, buildings and structures consistent with the general purpose of public Park land whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the Park. This includes a broad range of accessory uses, including commercial, serving Park users and compatible with Park objectives but does not include the Broadmoor Public Golf Course;

- (b) any land acquired by the County as municipal reserve, school reserve, municipal and school reserve, public utility lots or environmental reserve as those terms are used in the *Municipal Government Act*, RSA 2000, cM-26, however, insofar as the terms of any license or lease for grazing or agricultural purposes granted by the County's Department of Planning and Development Services over such reserves contradicts the terms of the Bylaw, the terms of the license or lease shall prevail;
 - (c) any land designated by Council as a Park or recreational area, including recreational areas leased to the County, for the purposes of the Bylaw; and
 - (d) any land developed or designated by the County as trail system, including both urban and rural pathways other than Sidewalks.
- 2.18 "Person" includes an individual, corporation, firm, partnership, association, or body corporate.
- 2.19 "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- 2.20 "Projectile" means any physical article capable of being launched or propelled including but not limited to fireworks, explosives of any type, air-soft guns, firearms, stones, rockets, golf balls and arrows.
- 2.21 "Roadway" means a Roadway as defined in the *Traffic Safety Act*, RSA 2000, cT-6.
- 2.22 "Rural Area" means the area within the boundaries of the County including the hamlets, with the exception of the Urban Service Area.
- 2.23 "Sidewalk" means a Sidewalk as defined in the *Traffic Safety Act*, RSA 2000, cT-6.
- 2.24 "Storm Water Management Facility" means an area designated to temporarily store excess storm water runoff flow within a drainage system and includes wetlands, constructed wetlands, storm water wetlands, storm water lakes, wet and dry ponds, man made creeks, overland drainage systems and bio-swales located within utility right of ways (easements), County owned properties (public utility lots and reserves).
- 2.25 "Urban Service Area" means that area within the boundaries of the Hamlet of Sherwood Park as declared by Ministerial Order 700/84 dated November 26, 1984, or as expanded upon by subsequent Ministerial Order or Bylaw or Resolution of the Municipal Council from time to time.
- 2.26 "Vegetation" includes all trees, shrubs, plants, flowers and grass, and all ground cover, whether it is in its wild or natural state, or has been planted.

2.27 "Violation Tag" means a tag or similar document issued by the County pursuant to Section 110 of the *Municipal Government Act*, RSA 2000, cM-26.

2.28 "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, cP-34 as amended or repealed and replaced from time to time and regulations thereunder.

3. SECTION 3 - APPLICATION

3.1 This Bylaw shall apply to all Parks in the County, subject to any exceptions provided in any statute of the Province of Alberta or any agreement entered into by the County affecting any Park or part thereof.

4. SECTION 4 - LITTER

4.1 No Person shall leave any garbage, or litter in a Park except in a receptacle designed for such use.

5. SECTION 5 – PARK PROPERTY

5.1 No Person shall damage, disturb, destroy, remove, affix signage to, or otherwise interfere with or use for a purpose not intended, any Vegetation in a Park.

5.2 No Person shall walk, cross, ride, or otherwise traverse any Vegetation where such conduct is prohibited by posted signage.

5.3 No Person shall dig, excavate or conduct any construction or building operations within a Park unless prior written approval has been obtained from the Director.

5.4 No Person shall mark, deface, climb, post, paint or affix any advertisement, bill, poster, picture or thing or otherwise interfere with any signage, fence, building, wall, bench, exhibit, or any other property that the County has erected or caused to be erected in a Park unless prior written approval has been obtained from the Director.

5.5 No Person shall plant trees, shrubs, or Vegetation in any Park unless prior written approval has been obtained from the Manager of Land Management Services.

5.6 No person shall build, erect, or create a jump or ramp in a Park unless prior written approval has been obtained from the Director.

6. SECTION 6 – DANGEROUS OBJECTS

6.1 No Person, while in a Park, shall:

- (a) cast, throw, discharge, ignite, fire, or otherwise launch any projectile;
- (b) operate any radio or remote controlled vehicle or airborne object;
- (c) propel a golf ball in any manner;
- (d) possess any Firearm or weapon, capable of firing or launching a Projectile;

except in an area designated for that purpose or unless prior written approval has been obtained from the Director.

7. SECTION 7 - CONDUCT

- 7.1 No Person shall consume alcoholic beverages in a Park unless the necessary written approvals have been obtained from the Director and from the Alberta Gaming and Liquor Commission and then only at such locations within a Park as designated by the Director.
- 7.2 No Person shall enter or remain in any Park while intoxicated by any liquor or other intoxicating substance.
- 7.3 No Person shall urinate or defecate in a Park except in a facility designed for such use.
- 7.4 No Person shall participate in an activity defined as a Nuisance or perform Indecent Acts in a Park.
- 7.5 No Person shall contravene any signage within a Park which has been affixed by the County.
- 7.6 No Person shall act in any way in a Park that is reasonably likely to cause injury to another Person, to themselves or damage property.

8. SECTION 8 - CAMPING

- 8.1 No Person shall build a structure, whether permanent or temporary, set up any form of temporary abode or otherwise camp in a Park except in an area designated by the County for this purpose unless prior written approval has been obtained from the Director.

9. SECTION 9 - BUSINESS

- 9.1 No Person shall offer for sale or sell any good or service in a Park unless prior written approval has been obtained from the Director.
- 9.2 No Person shall place or erect any signs for the purposes of advertising in a Park unless prior written approval has been obtained from the Director.

10. SECTION 10 - FIRES

- 10.1 No Person shall start or permit to be started any fire in a Park unless it is confined to fireplaces or appliances provided in the Park for that purpose or in a Portable Appliance or Approved Burning Device, and then only at such locations within a Park as designated by the Director.
- 10.2 The above fires can only be fuelled with seasoned wood, charcoal, natural gas, propane or an appropriate fuel designed for a Portable Appliance or an Approved Burning Device.
- 10.3 No Person shall leave a fire unattended.
- 10.4 No person shall start a fire in a Park when there is a declared fire ban.

11. SECTION 11 - ANIMALS

- 11.1 No Person shall bring a Dog into a Park where prohibited by signage.
- 11.2 No Person shall bring Livestock into a Park unless prior written approval has been obtained from the Director.
- 11.3 No Person shall bring a Domestic Animal into a Park unless prior written approval has been obtained from the Director.
- 11.4 No Person shall ride or bring a Horse into a Park within the Urban Service Area unless prior written approval has been obtained from the Director.
- 11.5 No Person shall ride or bring a Horse into a Park within the Rural Area where prohibited by signage or within any playground, school ground, sportfield, snowshoe or cross country ski trail.
- 11.6 No Person or Dog under the care of that Person shall tease, molest or injure any mammal, bird, amphibian or reptile, or take, destroy, or disturb eggs, nest or young of an animal or bird in any Park nor throw any substance at or near such creatures in a Park in such a way to cause them alarm or possible injury.
- 11.7 No Person shall feed or provide food to birds or wild animals in a Park.

12. SECTION 12 - VEHICLES

- 12.1 No Person shall drive, operate or park a Motor Vehicle or Motorcycle in a Park except on a Roadway in the Park designed for that purpose.
- 12.2 No Person shall drive, operate or park an Off-Highway Vehicle in a Park except where authorized by signage.

13. SECTION 13 - BOATING

- 13.1 No Person shall operate a boat powered by a motor upon any Storm Water Management Facility.

14. SECTION 14 – SWIMMING

- 14.1 No Person shall wade or swim in any Storm Water Management Facility.

15. SECTION 15 – PARK HOURS AND CLOSURES

- 15.1 All Parks within the County, unless otherwise indicated by signage, shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m.
- 15.2 No Person shall enter into or remain in a Park or part thereof that is closed.
- 15.3 No Person shall leave a Motor Vehicle, including a trailer in a Park between 11:00 p.m. and 6:00 a.m. the next morning unless prior written approval has been obtained from the Director.
- 15.4 Any Person in a Park after it is closed may be asked to leave by a Bylaw Enforcement Officer or may be issued a Violation Tag or a Violation Ticket.
- 15.5 Any Person who refuses to leave a Park after having been asked to do so by a Bylaw Enforcement Officer or who has been issued a Violation Tag or a Violation Ticket for contravening this Bylaw may be removed from the Park.
- 15.6 No Person shall be in violation of Section 15.2 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 Director.
- 15.7 No Person shall be in violation of Section 15.2 if he or she is using a Highway, Roadway, Sidewalk, developed trail or plaza running through a Park as a linkage.
- 15.8 The Director may temporarily close a Park or any part thereof to public use.
- 15.9 Where a Park or any part thereof is closed to public use pursuant to Section 15.8, signage shall be posted to that effect.

16. SECTION 16 – DELEGATION OF AUTHORITY

- 16.1 A Bylaw Enforcement Officer under this Bylaw is hereby delegated the authority to:
- (a) enter on and inspect any land, road, structure or work in the Park;

- (b) order any Person in a Park to cease or refrain from any act or conduct which constitutes a breach of this Bylaw, is dangerous to life or property, or detrimental to the use and enjoyment of the Park by others;
- (c) order any Person to disperse or leave the Park if they are contravening the Bylaw;
- (d) remove from the Park:
 - (i) any Person who has under reasonable probable grounds contravened any provision of this bylaw;
 - (ii) any Person found in contravention of any section of this Bylaw. Contravention of the Bylaw may be considered an offence under the Petty Trespass Act of Alberta if the Person is told they are in contravention of this bylaw;
 - (iii) any Person who is suspended from entering or using the facilities of a park, as determined by the Officer in Charge of Strathcona County RCMP or his delegate;
 - (iv) any Person who breaches the provision of this Bylaw, or who breaches a law of Canada or the Province of Alberta in or about a Park.

17. SECTION 17 – OFFENCES

- 17.1 Any Person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" herein.
- 17.2 Under no circumstance shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 17.3 Nothing in this Bylaw shall be construed as curtailing or abridging the right of the County to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.

18. SECTION 18 – VIOLATION TAG

- 18.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of the Bylaw.
- 18.2 A Violation Tag may be issued to such Person:
 - (a) either personally; or

- (b) by mail in a copy to such Person at his or her last known post office address.
- 18.3 The Violation Tag shall be in a form approved by the County or the responsible County Officer and shall state:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in Schedule "A" of the Bylaw;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - (e) any other information as may be required by the County.
- 18.4 Where a contravention of the Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 18.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to Strathcona County the penalty specified in the Violation Tag.
- 18.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

19. SECTION 19 – VIOLATION TICKET

- 19.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.

20. SECTION 20 – EXEMPTIONS

- 20.1 The employees, servants and agents of the County, while acting in the course of their employment or duty, are exempt from the provisions of this Bylaw.

21. SECTION 21 - SEVERABILITY

- 21.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

SCHEDULE "A" FINES

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Offense under the Parks Bylaw - Penalty	\$200.00
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