

**BY-LAW NO. 30-92**

A BY-LAW OF THE COUNTY OF STRATHCONA NO. 20 IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING PUBLIC PARKS AND RECREATIONAL AREAS WITHIN THE COUNTY OF STRATHCONA NO. 20.

WHEREAS, by virtue of the power conferred upon it by the Municipal Government Act, R.S.A. 1980 c. M-26, as amended or repealed and replaced from time to time, NOW THEREFORE the Council of the County of Strathcona No. 20, duly assembled, enacts as follows:

1. **SECTION 1 - SHORT TITLE**

- 1.1 This By-law may be cited as the County of Strathcona No. 20 "General Parks By-law".

2. **SECTION 2 - DEFINITIONS**

- 2.1 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the County pursuant to the Municipal Government Act to enforce County By-laws, and includes a member of the Royal Canadian Mounted Police, and when authorized, a Special Constable.
- 2.2 "Campground" means a Park or a portion of a Park that has been designated by the County where overnight camping is permitted.
- 2.3 "Council" means the Council of the County.
- 2.4 "County" means the County of Strathcona No. 20.
- 2.5 "Domestic Animal" means any animal, other than a Dog or Livestock, which is kept as a pet.
- 2.6 "Dog" means either the male or female of any domesticated canine species.
- 2.7 "Highway" means a Highway as defined in the Highway Traffic Act, R.S.A. 1980, c. O-4, as amended or repealed and replaced from time to time (hereinafter the "Highway Traffic Act").
- 2.8 "Horse" means either the male or female of any domesticated equine mammal.
- 2.9 "Livestock" means cattle, swine, oxen, sheep, goats, fur bearing animals raised in captivity for pelts, and includes Large Exotic Animals and wildlife and Medium Exotic Animals and wildlife as those terms are defined in County By-law No. 26-90 the Animal Control By-law, as amended.
- 2.10 "Manager" means the Manager, or delegate, of the County's Department of Recreation, Parks and Culture or its successors.
- 2.11 "Moped" means a Moped as defined in the Highway Traffic Act.
- 2.12 "Motorcycle" means a Motorcycle as defined in the Highway Traffic Act.
- 2.13 "Motor Vehicle" means a Motor Vehicle as defined in the Highway Traffic Act.
- 2.14 "Off-Highway Vehicle" means Off-Highway vehicle as defined in the Off-Highway Vehicle Act, R.S.A. 1980, c. O-4, as amended or repealed from time to time (hereinafter the "Off-Highway Vehicle Act").

- 2.15 "Park" includes:
- (a) Any development specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the Park, 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 Planning Act, R.S.A. 1980, c. P-9, as amended or repealed and replaced from time to time (hereinafter the "Planning Act"), however, insofar as the terms of any license or lease for grazing or agricultural purposes granted by the County's Department of Real Estate Services over such reserves contradicts the terms of this By-law, the terms of the license or lease shall prevail.
  - (c) Any land designated by Council as a Park or recreational area for the purposes of this By-law;
  - (d) Any land developed or designated by the County as the Heritage Parkway Trail System, including pathways other than sidewalks.
- 2.16 "Person" includes an individual, corporation, firm, partnership, association, or body corporate.
- 2.17 "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- 2.18 "Roadway" means a Roadway as defined in the Highway Traffic Act.
- 2.19 "Rural Area" means the area within the boundaries of the County excluding the Urban Service Area.
- 2.20 "Sidewalk" means a Sidewalk as defined in the Highway Traffic Act.
- 2.21 "Storm Water Lake" means an area designated to temporarily store excess flow in a drainage system.
- 2.22 "Snow Vehicle" means a Snow Vehicle as defined in the Off-Highway Vehicle Act.
- 2.23 "Urban Service Area (USA)" 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 by-law or resolution of the Municipal Council from time to time.
- 2.24 "Vegetation" includes all trees, shrubs, plants, flowers and grass, or all ground cover, whether it is in its wild or natural state, or has been planted.
- 2.25 "Violation Tag" means a tag or similar document issued by the County pursuant to Section 110 of the Municipal Government Act.
- 2.26 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, as amended or repealed and replaced from time to time (hereinafter the "Provincial Offences Procedure Act") and regulations thereunder.

3. **SECTION 3 - APPLICATION**

- 3.1 This By-law 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 deposit or place in a Park any 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.

5. **SECTION 5 - PARK PROPERTY**

- 5.1 No Person shall destroy, remove, 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 signs.
- 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 Manager.
- 5.4 No Person shall mark, deface, climb, or otherwise interfere with any sign, 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 Manager.
- 5.5 No Person shall plant trees, shrubs or Vegetation in any Park unless prior written approval has been obtained from the Manager.

6. **SECTION 6 - DANGEROUS OBJECTS**

- 6.1 No Person, while in a Park, shall:
- (a) Discharge, ignite or fire any fireworks or explosives of any type;
  - (b) Cast, throw or otherwise launch any stones, lawn darts, missiles, model rockets, or dangerous objects;
  - (c) Operate any radio or remote controlled object;
  - (d) Propel a golf ball in any manner;

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

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 Manager and from the Alberta Liquor Control Board, and then only at such locations within a Park as designated by the Manager.
- 7.2 No Person shall enter or remain in any Park while intoxicated.

8. **SECTION 8 - CAMPING**

- 8.1 No Person shall set up a tent, take temporary abode or otherwise camp in a Park except in a designated Campground unless prior written approval has been obtained from the Manager.

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 Manager.

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 any Portable Appliance, and then only at such locations within a Park as designated by the Manager.
- 10.2 The above fires can only be fuelled with seasoned wood, charcoal, coal, natural gas or propane.
- 10.3 No Person shall leave a fire unattended.

11. **SECTION 11 - ANIMALS**

- 11.1 No Person shall bring a Dog into a Park where prohibited by a sign.
- 11.2 No Person shall bring Livestock into a Park unless prior written approval has been obtained from the Manager.
- 11.3 No Person shall bring a Domestic Animal into the Park unless prior written approval has been obtained from the Manager.
- 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 Manager.
- 11.5 No Person shall ride or bring a Horse into a Park within the Rural Area where prohibited by sign or within any playground, school ground, sport field or cross country ski trail.
- 11.6 No Person shall tease, molest or injure any mammal, bird, amphibian or reptile nor throw any substance at or near such creatures in a Park in such a way to cause them alarm or possible injury nor feed such animals.

12. **SECTION 12 - VEHICLES**

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

13. **SECTION 13 - BOATING**

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

14. **SECTION 14 - SWIMMING**

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

15. **SECTION 15 - PARK USE AND HOURS**

- 15.1 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.
- 15.2 No Person shall enter into or remain in a Park or part thereof that is closed.

- 15.3 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.
- 15.4 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 By-law may be removed from the Park.
- 15.5 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 Manager.
- 15.6 No Person shall be in violation of this Section if he or she is using a Highway, Roadway or Sidewalk running through a Park.
- 15.7 The Manager may temporarily close a Park or any part thereof to public use.
- 15.8 Where a Park or any part thereof is closed to public use pursuant to Section 15.7, a sign shall be posted to that effect.

16. **SECTION 16 - OFFENCES**

- 16.1 Any Person who contravenes a provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "A" herein.
- 16.2 Under no circumstances shall any Person contravening any provision of this By-law be subject to the penalty of imprisonment.
- 16.3 Nothing in this By-law 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.

17. **SECTION 17 - VIOLATION TAG**

- 17.1 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 this By-law.
- 17.2 A Violation Tag may be issued to such Person:
- (a) Either personally; or
  - (b) By mailing a copy to such Person at his or her last known post office address.
- 17.3 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 this By-law;
  - (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.
- 17.4 Where a contravention of this By-law 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.

17.5 Where a Violation Tag is issued pursuant to this By-law, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified in the Violation Tag.

17.6 Nothing in this By-law 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 By-law.

18. **SECTION 18 - VIOLATION TICKET**

18.1 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.

19. **SECTION 19 - EXEMPTIONS**

19.1 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 By-law.

20. **SECTION 20 - SEVERABILITY**

20.1 Should any provision of this By-law be invalid, then such invalid provision shall be severed and the remaining By-law shall be maintained.

21. **SECTION 21 - EFFECTIVE DATE**

21.1 That By-law 34-86, the Golfing By-law, and By-law 211, Vehicles on Public Land, are hereby repealed.

21.2 This By-law shall come into force upon third and final reading.

Read a first time this 16<sup>th</sup> day of June, 1992.

Read a second time this 16<sup>th</sup> day of June, 1992.

Read a third time this 16<sup>th</sup> day of June, 1992.

  
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Reeve

  
\_\_\_\_\_  
Corporate Secretary

SCHEDULE "A"

<u>Section</u>	<u>Particulars</u>	<u>Penalty</u>
4.1	Littering In Park	\$50
5.1	Destroy Vegetation	\$100
5.2	Trespass Contrary to Sign	\$50
5.3	Construction on Parkland	\$100
5.4	Vandalism	\$75
5.5	Planting Vegetation on Parkland	\$25
6.1 (a)	Discharge of Fireworks	\$150
(b)	Launching a Projectile	\$50
(c)	Operate Radio-controlled Object	\$25
(d)	Golfing in Park	\$50
7.1	Consume Alcohol in Park	\$100
7.2	Intoxicated in Park	\$100
8.1	Establish an Abode in Park	\$75
9.1	Offer Goods For Sale in Park	\$150
10.1	Starting a Fire in Park	\$100
10.2	Use of Non Permitted Fuel	\$25
10.3	Unattended Fire in Park	\$100
11.1	Dog Control By-law 58-88	Various
11.2	Livestock in Park	\$150
11.3	Domestic Animal in Park	\$60
11.4 and 11.5	Horse in Park	\$150
11.6	Molest an Animal	\$150
12.1	Drive on Parkland	\$50
12.2	Off-Highway Vehicle	\$50
13.1	Boating on Storm Water Lake	\$50
14.1	Swimming in Storm Water Lake	\$25
15.2	Remain in Park After Hours	\$100
	General Minimum Penalty	\$25