

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 933, 2015

Parks Bylaw

A Bylaw of the Municipality of Crowsnest Pass in the Province of Alberta to regulate the use of Parks within the Municipality.

WHEREAS the Parks within the Municipality of Crowsnest Pass are valued assets that should be preserved for safe and appropriate public enjoyment;

WHEREAS the Municipal Government Act gives the Municipality the power to enact Bylaws and impose fines and penalties for infractions of their Bylaws;

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass duly assembled enacts as follows:

1. TITLE

This Bylaw may be cited as the "Parks Bylaw" of the Municipality of Crowsnest Pass.

2. DEFINITIONS

- 2.1 "CAO" shall mean the Chief Administrative Officer of the Municipality, or the Director(s) designated by the Chief Administrative Officer to implement this Bylaw.
- 2.2 "Campground" shall mean a Park, or portion of a Park, designated for overnight camping.
- 2.3 "Cemetery" shall mean a Park, or portion of a Park, designated as a place for the burial of dead human bodies or other human remains.
- 2.4 "Centre Line" shall mean the longitudinal division of a Pathway or Trail, whether or not the division is indicated on the surface of the Pathway or Trail.
- 2.5 "Council" shall mean the Council for the Municipality.
- 2.6 "Municipality" shall mean the Municipality of Crowsnest Pass, Alberta.
- 2.7 "Municipal Tag" shall mean a Municipality issued notice that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence.
- 2.8 "Natural Area" shall mean a Park, or portion of a Park, where no other specific Park designation applies. Natural Areas include, but are not limited to wetlands, escarpments, riparian corridors, grasslands, woodlands, municipal reserves, environmental reserves, school reserves, utility lots, and undeveloped right of ways.
- 2.9 "Officer" shall mean a Community Peace Officer or Bylaw Enforcement Officer of the Municipality, or a member of the Royal Canadian Mounted Police.
- 2.10 "Park" shall mean a public space designated, and controlled by, the Municipality as a Park to be used for active or passive recreational use and enjoyment. A Park, or portion thereof, may be more specifically designated as a:
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| 1. Campground; | 5. Park Roadway; |
| 2. Cemetery; | 6. Playground; |
| 3. Natural Area; | 7. Sports Field. |
| 4. Pathway or Trail; | |

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- 2.11 **“Park Roadway”** shall mean a portion of a Park designated as a roadway or parking lot for use by Vehicles.
- 2.12 **“Pathway or Trail”** shall mean a Park, or portion of a Park, designated as a multi-purpose thoroughfare for use by pedestrians and Persons using a Wheeled Conveyance.
- 2.13 **“Permit”** shall mean written permission from the CAO that allows a Person to do something within a Park, or portion of a Park, that is not normally permitted under this Bylaw.
- 2.14 **“Person”** shall mean any individual, partnership, firm, corporation, company, club, society, or association.
- 2.15 **“Playground”** shall mean a Park, or portion of a Park, designated for use of installed apparatus such as swings and slides.
- 2.16 **“Sign”** shall mean written permission from the CAO in the form of a device posted by the Municipality in a Park to facilitate compliance with Municipal Bylaws, provide additional Park specific rules, or to allow Persons to do something in a Park (or portion of a Park) that is not normally permitted by this Bylaw.
- 2.17 **“Sports Field”** shall mean a Park, or portion of a Park, that is set apart, designed, and used for playing organized sports such as baseball, softball, slo-pitch, rugby, soccer, basketball, tennis, and football.
- 2.18 **“Vehicle”** shall mean:
- a. truck, car, boat, all-terrain vehicle, motorcycle, snowmobile, or other device which is or may be propelled by a motor;
 - b. trailers, campers, non-power boats or other devices which may be towed behind other vehicles; but
 - c. does not include Wheeled Conveyances
- 2.19 **“Waste”** shall mean anything that is discarded.
- 2.20 **“Wheeled Conveyance”** shall mean roller skates, in-line skates, roller skis, skateboards, scooters, motorized scooters designed for Persons with infirmities, motorized wheelchairs, and human power propelled bicycles and similar devices regardless of the number of wheels.
- 2.21 **“Violation Ticket”** is as defined in the *Provincial Offences Procedures Act RSA 2000 Chapter P-34* (and any amending or succeeding legislation).

3. SIGNS & EXEMPTIONS

- 3.1 The CAO may approve and issue Signs and Permits pursuant to Park use.
- 3.2 No Person shall disobey any Sign or Permit when in a Park.
- 3.3 No employees, servants, and agents of the Municipality shall be in contravention of the Parks Bylaw while acting in the course of their municipally approved employment and/or duties.

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- 3.4 Persons operating Emergency Vehicles used for Police, Fire, Rescue, and Ambulance services shall not be in contravention of the Parks Bylaw while acting in the course of their duties.

4. HOURS OF OPERATION

- 4.1 With the exception of a Pathway, Trail, or Campground, all Parks shall be closed between the hours of midnight and 5:00 o'clock in the morning.
- 4.2 No Person shall enter or remain in a Park, or portion of a Park, that is closed.

5. PROHIBITED PARK ACTIVITIES

- 5.1 **Animals** – All Persons are subject to the provisions and penalties contained in the Municipal Animal Control Bylaw. In addition, no Person with an animal shall be permitted within a Sports Field or Playground.
- 5.2 **Camping** – No Person shall set up a tent, take temporary or permanent abode, or otherwise camp in a Park, except in a Campground.
- 5.3 **Dangerous Activities** – No Person while in a Park shall engage in any conduct or activity within a Park which may injure any other Person. In addition, no Person in a Park shall:
1. Launch or fire stones, bullets, pellets, darts, missiles, rockets, arrows, or similar items;
 2. Propel a golf ball or swing a golf club in any manner;
 3. Ignite, discharge, or fire fireworks of any type;
 4. Launch or operate any glider, hot air balloon, or remote control devices;
 5. Engage in any stunts, tricks, or reckless activity;
- 5.4 **Damage and Vandalism** – No Person shall cause damage to a Park or Park Amenity, including but not limited to the following: digging, disturbing, depositing, or removing any substance such as soil, sand, gravel, rock, grass, vegetation (alive or dead), fossils, bones, historical artifacts, and wildlife habitat.
- 5.5 **Events** – No Person in a Park shall operate a sound amplification system or take part in a procession, drill, performance, ceremony, or similar activities that may draw a crowd.
- 5.6 **Fires** – No Person within a Park shall start, or permit to be started, any fire unless it is:
1. Confined to fireplaces or appliances provided by the Municipality for that purpose;
 2. Confined to a portable appliance sold or constructed for the purpose of cooking food out-of-doors and within designated locations of a Campground; or
 3. In compliance with a burn Permit's terms and conditions.

Any such fires must not be left unattended and can only be fuelled with seasoned wood, charcoal, natural gas, or propane.

- 5.7 **Pathways or Trails** – When using Pathways or Trails, Person must not:
1. Travel to the left of the Centre Line of the Pathway or Trail, except when:
 - overtaking another Person travelling in the same direction;
 - the Pathway or Trail to the right of the Centre Line is obstructed or closed;
 - turning left off a Pathway or Trail.

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2. After leaving the right side of the Centre Line, return to the right side of the Centre Line when it is unsafe to do so;
3. Pass or attempt to pass another Person travelling in the same direction when on a curve in the Pathway or Trail, when passing beneath a bridge or through tunnel of any kind, or when it is unsafe to do so;
4. When entering a Pathway or Trail from other routes, fail to yield the right of way to Persons already on the Pathway or Trail;
5. Overtake another Person prior to providing an audible signal by voice, bell, or other signaling device;
6. Fail to yield the right of way to users of roads;
7. Fail to yield the right of way to the Person on the right of uncontrolled intersections with other Pathways and Trails.

5.8 **Sale of Goods and Services** – No Person within a Park shall make available for sale of goods or services unless such activity is pre-approved via a Permit, and the activities are appropriately licensed as per the requirements of Municipality Bylaws.

5.9 **Rate of Travel** – No Person within a Park shall travel at a rate of speed that is unreasonable having regard to all circumstances, including but not limited to the following: surface conditions and composition, conditions affecting visibility, the volume of traffic, and the type of traffic. Unless otherwise posted on a Sign, the recommended maximum rate of travel for a Vehicle or Wheeled Conveyance in a Park is twenty kilometers per hour.

5.10 **Waste** – No Person shall deposit or place in a Park any Waste of any kind unless it is placed in a receptacle provided for the purpose of collecting such Waste. Further, no Person shall urinate or defecate in a Park except in a fixture within a public washroom or portable facility provided for that purpose.

5.11 **Wheeled Conveyance** – No Person shall operate a Wheeled Conveyance in a manner that is unsafe to any Person, including the following:

1. Carrying more Persons than the number for which the Wheeled Conveyance is designed and equipped;
2. Carrying a passenger on a Wheeled Conveyance that is holding onto or is attached to any other Wheeled Conveyance or Vehicle, unless that passenger is riding in a child or animal trailer designed for such use.

5.12 **Vehicles** – No Person shall operate a Vehicle in a Park, except for on a Park Roadway. No person shall leave a Vehicle in a Park when the Park is closed.

6. MISCELLANEOUS

6.1 Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

6.2 Nothing in this Bylaw relieves a Person from complying with any federal, provincial, or municipal law or regulation, order, or other lawful direction.

7. PENALTIES

7.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable for the following penalties:

3. A first offence in respect of a violation of any provision of this Bylaw shall be \$100.00;

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4. A second offence of the same provision of this Bylaw, within a twenty-four month period shall be \$200.00;
 5. A third or subsequent offence of the same provision of this Bylaw within a twenty-four month period shall be \$400.00
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- 7.2 An Officer is hereby authorized and empowered to issue a Municipal Tag to any person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
 - 7.3 Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Tag.
 - 7.4 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then an Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
 - 7.5 Notwithstanding anything herein, an Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

8. EFFECTIVE DATE

- 8.1 Bylaw 933, 2015 comes into full force and effect upon the final passing thereof. Bylaw 816, 2011 is hereby repealed.

READ a first time this 29th day of September, 2015.

CARRIED

READ a second time this 6th day of October, 2015.

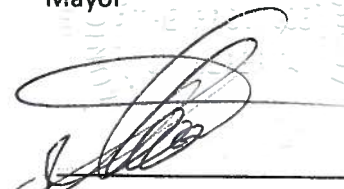
CARRIED

READ a third time and finally passed this 3rd day of November, 2015.

CARRIED



Blair Painter
Mayor



Sheldon Steinke
Chief Administrative Officer