

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1002, 2018
COMMUNITY TRAILS AND PARKS BYLAW

BEING A Bylaw of the Municipality of Crowsnest Pass in the Province of Alberta to regulate the use of Community Parks and Trail systems within the Municipality

WHEREAS the Parks and Trail systems 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 “Community Parks and Trails Bylaw” of the Municipality of Crowsnest Pass.

2. DEFINITIONS

2.1 In this Bylaw:

- (a) **“CAO”** shall mean the Chief Administrative Officer of the Municipality, or the Director(s) designated by the Chief Administrative Officer to implement this Bylaw.
- (b) **“Campground”** shall mean a Park, or portion of a Park, designated for overnight camping.
- (c) **“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.
- (d) **“Centre Line”** shall mean the longitudinal division of a Pathway or Trail, whether the division is indicated on the surface of the Pathway or Trail.
- (e) **“Council”** shall mean the Council for the Municipality.
- (f) **“E-Bike”** shall mean a vehicle that is Power-assisted under the Motor Vehicle Safety Regulations (Canada) (C.R.C., c.1038). Power Assisted Bicycle means a vehicle that:
 - i. Has steering handlebars
 - ii. Is equipped with pedals
 - iii. Is designed to travel on not more than three wheels in contact with the ground
 - iv. Is capable of being propelled by muscular power.
 - v. Has one or more electric motors that have, singly or in combination, the following characteristics:
 - a. Has a continuous power output rating, measured at the shaft of each motor, of 500 watts or less.

- b. Is engaged by the use of muscular power; power assistance immediately ceases when the muscular power ceases.
- c. Is engaged by the use of an accelerator controller; power assistance immediately ceases when the brakes are applied.
- d. Is incapable of providing further assistance when the device attains a speed of 32 km/h on level ground.
- e. Bears a label that is permanently affixed by the manufacturer and appears in a conspicuous location stating, in both official languages, that the vehicle is a power assisted bicycle.
- f. Has one or more of the following safety features: Working pedals and steering handlebars.

(g) "Fee and Charges Bylaw" means the Municipality's Fees, Rates and Charges.

(h) "Municipality" shall mean the Municipality of Crowsnest Pass, Alberta.

(i) "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.

(j) "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 rights of way.

(k) "Officer" shall mean a Community Peace Officer or Bylaw Enforcement Officer of the Municipality, or a member of the Royal Canadian Mounted Police.

(l) "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:

- i. Campground
- ii. Cemetery
- iii. Natural Area
- iv. Pathway or Trail
- v. Park Roadway
- vi. Playground
- vii. Sports Field
- viii. School Grounds

(m) "Park Roadway" shall mean a portion of a Park designated as a roadway or parking lot for use by Vehicles.

(n) "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.

- (o) "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.
- (p) "Person" shall mean any individual, partnership, firm, corporation, company, club, society, or association.
- (q) "Playground" shall mean a Park, or portion of a Park, designated for use of installed apparatus such as swings and slides.
- (r) "Rate of Travel" means the maximum rate of speed the user and device can attain on level ground.
- (s) "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.
- (t) "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.
- (u) "Segway" A two wheeled motorized Personal vehicle consisting of a platform for the feet above an axel and an upright post surmounted by handles, controlled by the way the rider distributes their weight.
- (v) "Vehicle" shall mean:
 - i. truck, car, boat, all-terrain vehicle, motorcycle, snowmobile, or other device which is or may be propelled by a motor;
 - ii. trailers, campers, non-power boats or other devices which may be towed behind other vehicles; but
 - iii. does not include Wheeled Conveyances or E-bikes
- (w) "Waste" shall mean anything that is discarded.
- (x) "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, Segway's, E-bikes and similar devices regardless of the number of wheels.
- (y) "Provincial 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.
- 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 and Playgrounds shall be closed between the hours of 23:59 hours and 05:00 hours.
- 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. See Current Animal Control Bylaw for clarification.
- 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:
 - (a) Launch or fire stones, bullets, pellets, darts, missiles, rockets, arrows, or similar items;
 - (b) Propel a golf ball or swing a golf club in any manner;
 - (c) Ignite or discharge fireworks of any type;
 - (d) Launch or operate any glider, hot air balloon, or remote-control devices;
 - (e) 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 unless approved by the Community Services Manager. General Liability Insurance in the amount of Five Million Dollars is required naming the Municipality as an additional insured.
- 5.6 Fires— Persons must adhere at all times to Alberta and Municipal fire bans. In addition, no Person within a Park shall start, or permit to be started, any fire unless it is:
 - (a) Confined to fireplaces or appliances provided by the Municipality for that purpose;

- (b) 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
- (c) In compliance with a burn Permit's terms and conditions, any such fires must not be left unattended and can only be fueled by seasoned wood, charcoal, natural gas, or propane.

5.7 Pathways or Trails — When using Pathways or Trails, Persons must not:

- (a) Travel to the left of the Centre Line of the Pathway or Trail, except when:
 - i. overtaking another Person travelling in the same direction; 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;
 - ii. the Pathway or Trail to the right of the Centre Line is obstructed or closed;
 - iii. turning left off a Pathway or Trail.
- (b) 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 a tunnel of any kind, or when it is unsafe to do so.
- (c) When entering a Pathway or Trail from other routes, without yielding the right of way to Persons already on the Pathway or Trail.
- (d) Overtake another Person prior to providing an audible signal by voice, bell, or other signaling device.
- (e) Fail to yield the right of way to users of roads.
- (f) Fail to yield the right of way to the Person on the right of uncontrolled intersections with other Pathways and Trails.
- (g) Vehicles are not permitted to use the trails or pathway system except by signed permission from the Municipality. Excluded from the vehicles are E-bikes and Segway's.
- (h) Exceed a speed of more than 20 kilometers per hour when safe to do so. All wheeled conveyance using the trail systems must reduce speed to 10 kilometers per hour and yield right of way to pedestrian traffic.

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 20 kilometers per hour. 10 kilometers per hour while approaching or passing pedestrian traffic.

- 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:
- (a) Carrying more Persons than the number for which the Wheeled Conveyance is designed and equipped;
 - (b) 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;
 - (c) Under the influence of alcohol or drugs.
- 5.12 Vehicles — No Person shall operate a Vehicle in a Park or pathway unless approved by the Municipality. E-bikes and Segway's are allowed on pathways and excluded as a motorized vehicle in this policy. 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 penalties outlined in the Fee and Charges Bylaw.
- 7.2 A Peace 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/Provincial Violation Ticket 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, a Peace 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 1002,2018 comes into full force and effect upon the final passing thereof.

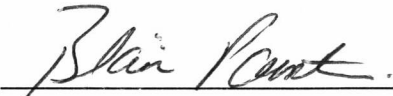
8.2 Bylaw 1002,2018 will hereby repeal Bylaws ~~542, 2001~~ and 933, 2015.

541, 2000

READ a **first** time this 13th day of August 2019.

READ a **second** time this 10th day of September 2019.

READ a **third** and final time this 10th day of September 2019.



Blair Painter
Mayor



Patrick Thomas
Chief Administrative Officer