



BYLAW NO. 21.07

*BEING A BYLAW FOR THE
REGULATING OF CONDUCT IN MUNICIPAL PARKS*

WHEREAS, Yellowhead County operates seven (7) municipal parks known as Bear Lake Park, Shining Bank Lake Park, Long Lake Park, Beta Lake Park, Riverside Park, Jerry Vanderwell Memorial Park, and Nojack Recreation Area;

AND WHEREAS, there has been recurring evidence of disorderly conduct in the parks, as well as conduct which could be or has been destructive to property;

AND WHEREAS, the Municipal Government Act, R.S.A. 2000, c. M-26; the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 the Traffic Safety Act, R.S.A. 2000, c. M26; the Off Highway Vehicle Regulation AR 319/2002; The Gaming and Liquor Act, R.S.A. 2000, c. G-1, The Gaming and Liquor Regulations and amendments thereto, authorize the municipality to enact this bylaw;

NOW THEREFORE, the Council for Yellowhead County, in the Province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1: NAME OF BYLAW

1.1 This bylaw may be cited as the "Municipal Parks Bylaw".

SECTION 2: DEFINITIONS

2.1 In this bylaw

- a) "animal"** means a domestic animal and includes an animal that is wild by nature but has been domesticated;
- b) "camping accommodation"** means:
- i)** a tent,
 - ii)** a trailer,
 - iii)** a tent trailer,
 - iv)** a motor home,
 - v)** a van,
 - vi)** a truck camper,
 - vii)** a fifth wheel trailer, or
 - viii)** other similar unit used as shelter by a person while camping or in conjunction with camping;



- c) **"council"** shall mean the council for Yellowhead County;
- d) **"day use"** shall mean any and all areas in a designated park where individual campsites have not been set out. To include any and all of the following areas:
 - Public beach area,
 - Parking lots,
 - Play ground area,
 - Boat launch area,
 - Picnic area,
 - Boat dock area
- e) **"designated park"** means those parts of Yellowhead County known as Bear Lake Park, Shining Bank Lake Park, Long Lake Park, Beta Lake Park, Riverside Park, Jerry Vanderwell Memorial Park, and Nojack Recreation Area and further described in Schedule "A", attached to this bylaw;
- f) **"firearm"** shall mean any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things;
- g) **"highway"** means a highway as defined in the Traffic Safety Act, R.S.A. 2000, c. M-26;
- h) **"individual campsite"** means a campsite within a designated park;
- i) **"motor vehicle"** means a motor vehicle as defined in the Traffic Safety Act, R.S.A. 2000, c. M-26;
- j) **"County"** shall mean Yellowhead County;
- k) **"nuisance"** means any or all of the following:
 - i) drunkenness;
 - ii) use of obscene, offensive or insulting language;
 - iii) fighting or disorderly conduct;
 - iv) excessively loud or disruptive noise or music;
 - v) any conduct which, in the opinion of the Park Operator or a Peace Officer, infringe upon the right of the users to quiet and peaceful enjoyment of space and facilities within a designated park;
- l) **"off-highway vehicle"** means an off-highway vehicle as defined in the Off Highway Vehicle Regulation AR139/2002;

- m) "Park Operator"** means a person appointed by the council to manage the operation of a designated park;
- n) "peace officer"** means any person authorized to enforce this bylaw by the council and includes:
- (i)** a member of the Royal Canadian Mounted Police, while the member is in the exercise or discharge of the member's powers or duties,
 - (ii)** a member of a municipal police service, while the member is in the exercise or discharge of the member's powers or duties,
 - (iii)** a Peace Officer appointed under the Peace Officer Act, while the Peace Officer is in the exercise or discharge of the Peace Officer's powers or duties, and
 - (iv)** a Bylaw Enforcement Officer appointed by the council under the authority of the Municipal Government Act, R.S.A. 2000, c. M-26
- o) "permit"** shall mean a term used to describe the registration envelope and system to collect user fees and or a form of written permission from a Peace Officer/Park Operator;
- p) "person"** shall include a group of persons, a firm, a partnership or a body corporate;
- q) "public place"** includes:
- i)** a place or building to which the public has or is permitted to have access,
 - ii)** a place of public rest,
 - iii)** a conveyance in a public place, and
 - iv)** the premises of a club
- with respect to which no license has been issued under Part 2;
- r) "residence"** shall mean a place that is used by a bona fide person and his permanent private dwelling, including any building or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of that place;



- s) **"summary conviction"** shall mean a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34;
- t) **"temporary residence"** shall mean:
 - i) a place that is used by a bona fide traveler as a private temporary dwelling to reside in during his travels, including any building or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of that place and in respect of which that traveler pays a fee;
 - ii) a place used by a person as a private vacation or recreational dwelling, including any building or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of that place;
 - iii) a tent that is:
 - a) set up in an area where overnight camping is not prohibited, and
 - b) being used as a temporary dwelling, including any structure or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of the tent, or
 - iv) a motor home, camper, trailer or other vehicle that is:
 - a) parked in an area off a highway or road, as defined in the Public Highways Development Act, R.S.A. 2000, c. P-38, where overnight camping is not prohibited, and
 - b) being used as a temporary dwelling, including any structure or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of the motor home, camper or other vehicle,
 - v) a boat or water craft while moored or at anchor in accordance with the regulations.
- u) **"vehicle"** shall mean a device in, on or by which a person or thing may be transported or drawn on a highway.



SECTION 3: GENERAL

- 3.1** A person who enters a designated park shall comply with:
- a) any lawful order and instruction made or issued pursuant to this bylaw; and
 - b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.
- 3.2** The Park Operator may:
- a) subject to the Traffic Safety Act, R.S.A. 2000, c. T-6 and the Municipal Government Act, R.S.A. 2000, c. M-26, control and prohibit the movement of vehicular, pedestrian and other traffic by means of signs and notices designated and erected by him; and
 - b) designate and erect other signs and notices governing and prohibiting activities as provided for in the Municipal Government Act, R.S.A. 2000, c. M-26, or this bylaw.
- 3.3** A person using a designated park shall keep the land and improvements in a condition satisfactory to the Park Operator or Peace Officer and shall not cause any litter or garbage to be deposited anywhere other than in containers specially provided for that purpose.
- 3.4** If, in the opinion of a Park Operator or a Peace Officer, a nuisance exists on any site, the Park Operator or Peace Officer may order the person causing the nuisance to abate or discontinue the nuisance.
- 3.5** Where a person fails to comply with an order made pursuant to Subsection (3.4), a Peace Officer may take whatever steps are necessary to abate or have discontinued the nuisance, and the cost of doing so is recoverable from the person as a debt.

SECTION 4: PROHIBITIONS

- 4.1** No person shall interfere with the right of others to the quiet and peaceful enjoyment of a designated park. "**Quiet time**" shall be that time between 23:00 hours each night through to 07:00 hours each morning when the designated park shall be free from any excessive noise which would disrupt sleeping persons.
- 4.2** No person who has been removed from a designated park pursuant to Section 10.1(c) of this bylaw shall, within the following seventy-two (72)-hour period, enter or attempt to re-enter such designated park.
- 4.3**
- a) Pursuant to the Gaming and Liquor Act, R.S.A. 2000, c. G-1, with amendments thereto, or related regulations as put into place upon revision, no person shall consume liquor in a public place or any other place other than a residence, temporary residence or place described by this bylaw.
 - b) Pursuant to the Gaming and Liquor Act, R.S.A. 2000, c. G-1, with amendments thereto, or related regulations as put into place upon revision, no person shall consume liquor in a motor vehicle unless, when the liquor is being consumed, the vehicle is a temporary residence.



- c) Pursuant to the Gaming and Liquor Act, R.S.A. 2000, c. G-1, with amendments thereto, or related regulations as put into place upon revision, no person shall transport liquor in a vehicle if the liquor is within easy access of an occupant of the vehicle.
- 4.4** No person shall display or post any sign or advertisements in the designated park other than signs and advertisements approved by the Park Operator.
- 4.5** No person shall enter or remain in a designated park or portion of a designated park where travel or access restrictions have been imposed under this bylaw.
- 4.6** No person shall deface, injure or destroy any object in a designated park, whether such object is created by natural means or otherwise.
- 4.7** No person shall deposit liquid or solid waste matter in a designated park except in a receptacle or area provided for that purpose.
- 4.8** No person shall bring commercial or residential waste matter into a designated park for disposal.
- 4.9** No person shall dispose of wastes in areas in a designated park where waste disposal receptacles or areas are not provided. Such waste shall be carried out of the area for proper disposal.
- 4.10** No person shall bath or clean clothing, fish, cooking or eating utensils, vehicles or other equipment at or near a drinking fountain, stand pipe, well or pump in any designated park.
- 4.11** No person in any designated park shall:
 - a) cut, break, bend or in any way damage or deface any turf, tree, shrub, hedge, plant, flower or designated park ornament;
 - b) walk, stand, or sit on any flower bed;
 - c) walk upon any lawn or garden where signs are posted prohibiting persons from so doing; or
 - d) dig in the earth or remove any tree, plant, shrub, or any equipment of any kind that is fixed or growing thereon.
- 4.12** No person shall carry on a business in a designated park unless he has received permission from the County for that purpose.
- 4.13** The County may add to, delete or vary the terms and conditions of a permit which is issued under this bylaw.
- 4.14** The Park Operator or Peace Officer may cancel or suspend a permit issued under this bylaw if the permit holder contravenes this bylaw, or any of the terms or conditions of the permit.



- 4.15 a) No person shall discharge a firearm in a designated park.
- b) A person who is in possession of a firearm in a designated park shall ensure that the firearm is unloaded and either disassembled or cased.

SECTION 5: ANIMALS

- 5.1 No person having the custody or control of an animal shall bring such animal into a designated park or allow the animal to enter or remain in a designated park unless it is in a cage or is restricted by a leash, chain or other device that is not greater than two (2) meters long.
- 5.2 No person having custody or control of an animal shall bring such animal into or allow such animal to enter or remain in or on any area in a designated park that is:
 - a) a designated swimming area;
 - b) a beach area adjacent to a designated swimming area;
 - c) a public washroom, change house, concession, picnic shelter or other public building or structure; or
 - d) an area where signs are posted prohibiting animals.
- 5.3 A Park Operator or Peace Officer may refuse to admit to a designated park, any animal if he considers it is not under the control of the owner, pursuant to Section 5.1, or it may be a nuisance or a danger to the life, safety, health, property or comfort of any person in any designated park.
- 5.4 A Peace Officer may capture an animal running at large in a designated park pursuant to the Municipal Animal Control Bylaw No. 03.06

SECTION 6: FIRES

- 6.1 No person shall set, light or maintain a fire in a designated park except in a fireplace, pit or other facility designated for that purpose.
- 6.2 No person shall leave a fire unattended or allow it to spread.
- 6.3 No person shall deposit or dispose of hot coals, ashes, embers or any other burning or smoldering material in a place other than in a stove, fire pit or other place provided for that purpose.
- 6.4 A person who lights a fire shall extinguish all fire, hot coals and smoldering materials before leaving them.
- 6.5 Where the Peace Officer is of the opinion that a fire hazard exists in a designated park, he may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the designated park.
- 6.6 No person shall set, light or maintain a fire in all or any part of the designated park where a sign or notice prohibits the same.



SECTION 7: VEHICLES

- 7.1** No person shall, within a designated park, may operate or ride an off-highway vehicle or any other such specialized means of conveyance, whether motor driven or propelled by human power, except:
- a)** on a trail or in an area set aside, designated or identified by regulatory signs, notices, or trail markers posted as a trail or area for the use of such conveyances;
 - b)** on a place or way which the public is ordinarily entitled or permitted to use for the passage of such conveyances.
- 7.2** Subsection (7.1) does not apply to bicycles or such vehicles required by handicapped persons.
- 7.3**
- a)** No person shall, within a designated park, whether as a pedestrian, passenger or driver and whether or not with the use or aid of any animal, vehicle or other thing, shall perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway.
 - b)** No person shall, within a designated park, create or cause the emission of any loud and unnecessary noise from a motor vehicle, any part of it, or any thing or substance that the motor vehicle or a part of it comes into contact with.
- 7.4** No person shall park a motor vehicle, boat, trailer or camping accommodation unit in a designated park other than in areas designated for that purpose.
- 7.5** A Park Operator or a Peace Officer may prohibit the entry of a vehicle into any part of a designated park.
- 7.6**
- a)** In this section "abandoned" means left standing in a designated park for more than seventy-two (72) consecutive hours unless:
 - i)** a license, permit or other similar authorization has been received from the Park Operator or Peace Officer.
 - b)** If a motor vehicle, off-highway vehicle, aircraft, boat trailer, equipment, appliance, article or object:
 - i)** is abandoned; or
 - ii)** remains in an area after the authorization to be in that area expires; or
 - iii)** is located in a prohibited area;

a Park Operator or a Peace Officer may order the owner, operator or person in charge of the object to move the object to a location determined by the Park Operator or a Peace Officer and within a period of time determined by the Park Operator or a Peace Officer.
 - c)** Where the owner, operator or person in charge of the object fails to comply with the order of a Peace Officer under Subsection (b), the Peace Officer may



move the object or cause it to be moved and stored at a location determined by the Peace Officer.

- d)** Where a Peace Officer moves or stores an object or causes it to be moved or stored under this section, the cost of doing so:
 - i)** shall be payable by the owner of the object; or
 - ii)** constitute a lien on the item; and
 - iii)** may be recovered from the owner in an action for debt; and
 - iv)** must be paid before the object is released to the owner, operator or person in charge of it.
- e)** Property stored pursuant to the foregoing and which remains unclaimed for a period of six (6) months from the date it was stored, shall be considered abandoned by the owner and may be disposed of as the County deems appropriate.

SECTION 8: CAMPING

- 8.1** All persons entering a designated park shall register when required to do so by a sign or notice at or near the entrance to the designated park.
- 8.2** The Park Operator may provide for and designate areas within a designated park for camping and day use purposes.
- 8.3** Permits shall be issued for camping on a first come, first-served basis. The Park Operator may establish a fee for purchasing permits.
- 8.4** No person shall camp overnight in a designated park or other signed area:
 - a)** except in an area designated for that purpose, unless he is otherwise authorized by the Park Operator or a Peace Officer, and
 - b)** except tents will not be allowed in any designated camping site that is prohibited by signage with the following exceptions:
 - i)** except when the tent becomes the "secondary" unit designated for extra family members. The "primary" camping accommodation being any camping accommodation other than a tent, as set out in the definitions section, and
 - ii)** except when there is no designated tenting area in the designated park, and
 - c)** unless he has a valid permit under this bylaw to do so.

- 8.5** A permit shall be issued for each motor vehicle and camping accommodation unit on a campsite to the person who claims to be the owner of the vehicle.
- 8.6** Where a camping accommodation unit has been placed on a campsite and no motor vehicle is present, a permit may be issued for the camping accommodation unit to the person who claims to be in charge of said unit.
- 8.7** No person shall alter a camping permit or transfer it to another person.
- 8.8** The holder of a camping permit shall keep the permit available for inspection at any time and shall produce it for inspection on the request of a Park Operator or a Peace Officer.
- 8.9**
- a)** Where a campground within a designated park is developed into individual campsites, only two (2) vehicles and two (2) camping accommodation units are permitted to be kept in an individual campsite, unless the Park Operator or a Peace Officer gives written permission to the contrary.
 - b)** A motor home shall be considered to be both a camping accommodation unit and a motor vehicle.
 - c)** No person in whose name an individual campsite is registered shall bring onto or permit to remain on the campsite more vehicles or camping accommodation units than are permitted by Subsection (a).
 - d)** No person, who is visiting a person camped in a designated park, shall park his vehicle in a designated park:
 - i)** between 23:00 hours each night through to 07:00 hours each morning, or
 - ii)** in a manner or at a location where it impedes traffic or is disallowed by signage.
- 8.10** Not more than eight (8) persons may occupy an individual campsite unless they are all members of a single family unit.
- 8.11** The person in whose name an individual campsite is registered, shall be responsible for ensuring the proper conduct of members of his party or any visitors in accordance with these regulations.
- 8.12**
- a)** No person shall camp for more than sixteen (16) consecutive days in the same designated park, without the written permission of a Park Officer or Peace Officer.
 - b)** A period of at least seventy-two (72) hours must elapse after a person checks out of a campsite upon the expiration of a sixteen (16) day period before he may again camp in that campground.



- 8.13** A campsite shall be considered to be unoccupied when without the written permission of a Park Operator or Peace Officer, the registered site owner:
- a) leaves the campsite unattended for a period exceeding twelve (12) continuous hours during the first twenty-four (24) hour period after the permit is issued; or
 - b) leaves the campsite unattended for a continuous period of more than twenty-four (24) hours during the period of the permit.
- 8.14** A camping permit is automatically canceled if the campsite to which it relates is unoccupied within the meaning of Section 8.13.
- 8.15** On the expiry or cancellation of his camping permit, the permit holder shall ensure that the campsite is vacated and that all shelter equipment and other property belonging to him or persons in his group is removed and that the campsite is left in a clean and tidy condition.
- 8.16** Overnight camping is prohibited in Riverside Park, Shining Bank Lake Park Day Use Area, Long Lake Day Use Area, Bear Lake Day Use Area, Beta Lake Day Use Area, and Jerry Vanderwell Memorial Park Day Use Area.

SECTION 9: ENFORCEMENT

- 9.1** A Park Operator or a Peace Officer may cancel a camping permit without prior notice to the permit holder if the permit holder or his guest contravenes this bylaw.
- 9.2** The permit holder and all other persons camping or visiting with him shall vacate the campsite within one (1) hour from having been requested to do so.

SECTION 10: POWERS OF A PEACE OFFICER

- 10.1** For the purposes of administering this bylaw, a Peace Officer may:
- a) enter on and inspect any land, road, highway, structure or work in a designated park;
 - b) order any person in a designated park to cease or refrain from any action, omission or conduct that in the opinion of the Peace Officer is dangerous to life or property or detrimental to the use and enjoyment of the designated park or recreation area by other persons;
 - c) remove or cause to be removed from a designated park:
 - i) any person making an unauthorized use of the designated park;
 - ii) any person failing to comply with any of the provisions of this bylaw; or
 - iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.



- d) order the repair, alteration, improvement, evacuation or removal of or addition to any unauthorized structure or work in a designated park.
- e) require any person in a designated park to inform a Peace Officer of:
 - i) the name, address and occupation of the person, and
 - ii) any fact or intention relating to the use by the person of the designated park.
- f) issue violation tickets pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, with respect to offences under this bylaw.

10.2 A Peace Officer may seize any vehicle, off-highway vehicle, aircraft, boat, trailer or any equipment, appliance or other article or object that is being used in a designated park in contravention of this bylaw, or in contravention of any other Act or the regulations made thereunder, whether it is found in the possession of the person alleged to have committed the contravention or not.

10.3 The Peace Officer shall, on seizing any thing under Section 10.2:

- a) give a receipt for it to the person, if any, having possession or custody of the thing, and
- b) furnish a provincial judge with an Affidavit:
 - i) stating that he has reason to believe that an offence has been committed in respect of the thing seized, and
 - ii) setting out the name of the person, if any, having possession or custody of the thing seized at the time it was seized.

SECTION 11: PENALTIES

The offences under this bylaw in respect of which a voluntary payment may be made, are set out in the attached Schedule "B". The amount of the specified penalties payable with respect to such offences, is set out under the column which is headed "Penalty" on the attached Schedule "B".

SECTION 12: REPEAL CLAUSE

- a) Bylaw No. 08.98 is hereby repealed.



This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, R.S.A. 2000, c. M-26.

READ a first time this _____ day of _____, A.D., 2007.

READ a second time this _____ day of _____, A.D., 2007.

READ a third time this _____ day of _____, A.D., 2007.

SIGNED this _____ day of _____, A.D., 2007.

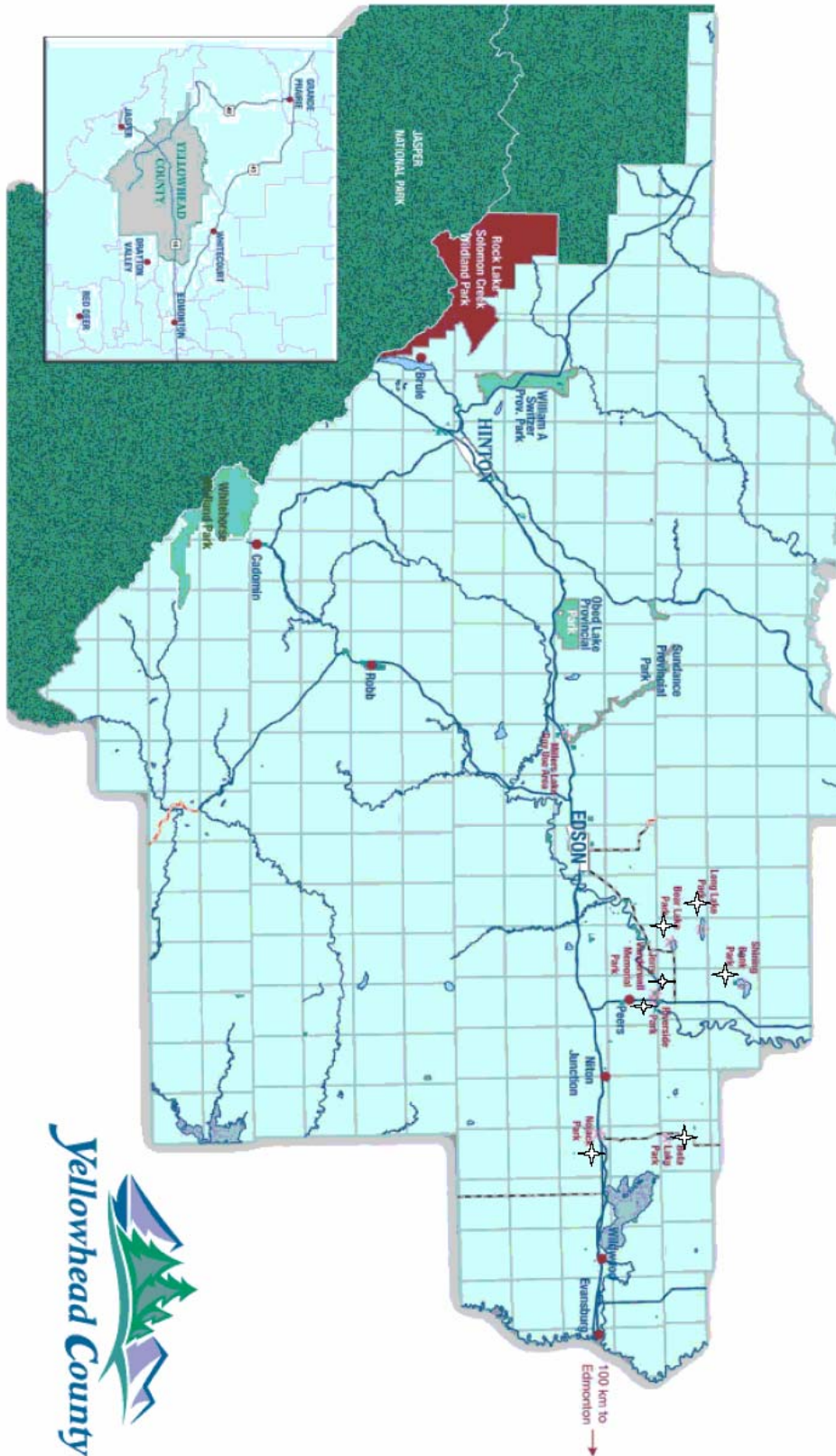
Reeve

Chief Administrative Officer

SCHEDULE "A"



Location of County Parks subject to this Bylaw



**SCHEDULE "B"**

| SECTION | OFFENCE | PENALTY |
|----------------|--|----------------|
| 3.1(a) | Failing to obey a lawful order | \$250.00/C |
| 3.1(b) | Failing to obey lawful signs/notices | \$75.00 |
| 3.3 | Restore land to clean and tidy condition | \$75.00 |
| 4.1 | Cause a disturbance | \$100.00/C |
| 4.2 | Attempt to re-enter a designated park within seventy-two (72) hours of removal | \$100.00 |
| 4.3(a) | Consumption in a public place | \$100.00 |
| 4.3(b) | Consumption in a motor vehicle | \$250.00 |
| 4.3(c) | Transport liquor in a motor vehicle when liquor is within easy access of an occupant | \$100.00 |
| 4.4 | Display or posting of unauthorized signage/advertisements | \$75.00 |
| 4.5 | Unlawfully enter/remain in a designated park | \$75.00 |
| 4.6 | Deface, injure or destroy object in designated park | \$150.00/C |
| 4.7, 4.8, 4.9 | Improper disposal of waste matter | \$75.00 |
| 4.10 | Bathing or cleaning of self or utensils or vehicles and equipment at or near water pumps | \$75.00 |
| 4.11 | Vandalism of environment | \$250.00/C |
| 4.12 | Unauthorized carrying on of business | \$75.00 |
| 4.15 | Discharge of firearm | \$75.00 |
| 5.1 | Animal not on leash | \$75.00 |
| 5.2 | Animal in prohibited area | \$75.00 |
| 6.1 | Starting fires in an undesignated area | \$75.00 |
| 6.2 | Leaving fire unattended | \$75.00 |
| 6.3 | Improper disposal of burning material | \$75.00 |
| 6.4 | Not extinguishing fire before leaving | \$75.00 |
| 6.6 | Starting fires when prohibited | \$100.00/C |
| 7.1 | Unauthorized travel by motor vehicle, off-highway vehicle in Designated park/recreation area on non-designated trail | \$75.00 |
| 7.3(a) | Stunt on highway | \$100.00 |
| 7.3(b) | Cause loud unnecessary noise with motor vehicle | \$75.00 |
| 7.4 | Parking vehicle in non-designated area | \$75.00 |
| 8.1 | Failure to register | \$75.00 |
| 8.4 | Camping where prohibited | \$75.00 |
| 8.7 | Altering/transferring of permit | \$75.00 |
| 8.9 | Exceed allowable number of vehicles/ camping units in a campsite. | \$75.00 |
| 8.10 | Exceed eight (8) persons per campsite (not single family) | \$75.00 |
| 8.12 | Unauthorized camping more than sixteen (16) consecutive days | \$75.00 |
| 8.13 | Unauthorized leave of campsite | \$75.00 |
| 8.15 | Improper vacating of campsite | \$75.00 |

"C" - court option