

TOWN OF SLAVE LAKE

Bylaw # 15-2019 Parks Bylaw

BEING A BYLAW OF THE TOWN OF SLAVE LAKE IN THE PROVINCE OF ALBERTA TO REGULATE PUBLIC PARKS AND OPEN SPACES THE TOWN OF SLAVE LAKE.

WHEREAS pursuant to the provisions of the *Municipal Government Act* RSA 2000 c.M-26, Council may pass bylaws respecting:

- i. the safety, health and welfare of people and the protection of people and property;
- ii. people, activities and things in, or near a public place or place that is open to the public;
- iii. the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

NOW THEREFORE, the Municipal Council of the Town of Slave Lake duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Parks Bylaw".

1.1. Bylaw# 10-2019 is hereby rescinded.

2. DEFINITIONS:

All terms and definitions shall be those which are described in the *Traffic Safety Act*, regulations and subsequent amendments, the *Municipal Government Act*, regulations and subsequent amendments, and those in this bylaw.

In this Bylaw:

- 2.1. "Approved Burning Device" means a device made from pottery, metal or masonry, with a firebox that is no larger than 1 metre 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ inch completely covering the top, or other approved covering that will not permit the spread of fire.
- 2.2. "Chief Administrative Officer" means the Chief Administrative Officer of the Town, or their designate
- 2.3. "Council" means the Council of Town of Slave Lake.
- 2.4. "Director" means the Director of Community Services, or delegate.

- 2.5. "Dog" means either the male or female of any domesticated canine species.
- 2.6. "Firearm" means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.
- 2.7. "Indecent Act" means nakedness or sexual or lewd activity in a park.
- 2.8. "Large Event" means an event where more than 50 are gathered, which may include, but not limited to:
 - 2.8.1. Political rallies;
 - 2.8.2. Family reunions;
 - 2.8.3. Parties; and
 - 2.8.4. Not for profit events.
- 2.9. "Nuisance" means any use of or activity upon a park, which in the opinion of a Peace 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:
 - 2.9.1. drawing, painting, or writing a message upon, or placing graffiti on any structure or object within a park without permission of the Director;
 - 2.9.2. vandalism to any structure or object within a park;
 - 2.9.3. any other offensive or inappropriate behavior within a park; or
 - 2.9.4. fighting or similar confrontation.
- 2.10. "Park" includes:
 - 2.10.1. 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;
 - 2.10.2. any land acquired by the Town as municipal reserve, school reserve, municipal and school reserve, public utility lots or environmental reserve according to the provisions of the *Municipal Government Act*, RSA 2000, c M-26.

- 2.10.3. any land designated by Council as a park or recreational area; and
- 2.10.4. any land developed or designated by the Town as trail system, including both developed walkways other than sidewalks.
- 2.11. “Peace Officer” means a person employed for the purposes of preserving and maintaining the public peace, and includes:
 - 2.11.1. a Community Peace Officer for the Town of Slave Lake;
 - 2.11.2. a Bylaw Enforcement Officer authorized to enforce this bylaw in accordance with their appointment; and
 - 2.11.3. a regular member of the Royal Canadian Mounted Police.
- 2.12. “Person” includes an individual, corporation, firm, partnership, association, or body corporate.
- 2.13. “Portable Appliance” means any appliance sold or constructed for the purpose of cooking food in the out-of-doors by burning fuel from a liquid fuel tank of less than 2 litres in size or a compressed gas cylinder.
- 2.14. “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.
- 2.15. “Refuse” shall include, without limiting the generality of the foregoing, all metal, rock, concrete, snow, gravel, cinders, shavings, wood scrap, building materials, trade waste, household waste, grass clippings, tree limbs, garden waste, abandoned vehicles, auto parts, or any other material or matter likely to interfere with the appearance and use of the park.
- 2.16. “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, manmade creeks, overland drainage systems and bio-swales located within utility right of ways or easements, on Town owned properties.
- 2.17. “Special Event Permit” means a permit issued for a large event.
- 2.18. “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.
- 2.19. “Walkway” means any footpath or trail, as part of the Town's trail system, which is limited for the use of pedestrians and bicycle traffic or any other devices operated by human power only.

3. APPLICATION

- 3.1. This Bylaw shall apply to all parks in the Town, subject to any exceptions provided in any statute of the Province of Alberta or any agreement entered into by the Town affecting any park or part thereof.

4. PARK PROPERTY

- 4.1. 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.
- 4.2. No person shall walk, cross, ride, or otherwise traverse any vegetation where such conduct is prohibited by posted signage.
- 4.3. 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.
- 4.4. 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 Town has erected or caused to be erected in a park unless prior written approval has been obtained from the Director.
- 4.5. No person shall plant trees, shrubs, or vegetation in any park unless prior written approval has been obtained from the Director.
- 4.6. No person shall build, erect, or create a jump or ramp in a park unless prior written approval has been obtained from the Director.
- 4.7. Notwithstanding Section 4.8., no person shall place or deposit any refuse within a park.
- 4.8. A person may place or deposit refuse in a receptacle provided for such use.

5. DANGEROUS OBJECTS

- 5.1. No person, while in a park, shall:
 - 5.1.1. cast, throw, discharge, ignite, fire, or otherwise launch any projectile;
 - 5.1.2. light or launch any firework or firecracker;
 - 5.1.3. propel a golf ball in any manner; or
 - 5.1.4. 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.

6. CONDUCT

- 5.2. No person shall consume alcoholic beverages in a park, except where legally permitted by the provisions of the *Gaming Liquor and Cannabis Act*, RSA 2000 c. G-1.
- 5.3. No person shall enter or remain in any park while intoxicated by any liquor or other intoxicating substance.
- 5.4. No person shall urinate or defecate in a park except in a facility designed for such use.
- 5.5. No person shall participate in an activity defined as a nuisance or perform indecent acts in a park.
- 5.6. No person shall contravene any signage within a park which has been affixed by the Town.
- 5.7. 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.
- 5.8. No person shall hold a large event in a park without a special event permit.

7. CAMPING

- 7.1. No person shall temporarily or otherwise reside or camp in any park.
- 7.2. No person shall build a structure, whether permanent or temporary, set up any form of temporary abode in a park.
- 7.3. Notwithstanding sections 7.1 and 7.2., a person is permitted to have a temporary residence for the purposes of camping in an area designated by the Town for this purpose or where prior written approval has been obtained from the Director.

8. BUSINESS

- 8.1. 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.
- 8.2. 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.
- 8.3. Notwithstanding section 8.2., a person may erect a sign, advertising a real estate open house, for the duration of the time that the open house is in effect.

9. FIRES

- 9.1. No Person shall start or permit to be started any fire in a park, unless:
 - 9.1.1. it is confined to a portable appliance or approved burning device, and approved as part of a special event permit, or
 - 9.1.2. it is confined to a portable appliance for the cooking purposes.
- 9.2. The fires referred to in section 9.1. shall only be fuelled with seasoned wood, charcoal, natural gas, propane or an appropriate fuel designed for a portable appliance or an approved burning device.
- 9.3. No person shall leave a fire unattended.
- 9.4. No person shall start a fire in a park when there is a declared fire ban.

10. ANIMALS

- 10.1. No person shall bring a dog into a park where prohibited by signage.
- 10.2. No person shall bring an animal, other than a dog, into a park unless prior written approval has been obtained from the Director or approved as part of a special event permit.
- 10.3. No person shall feed or provide food to birds or wild animals in a park.

11. VEHICLES

- 11.1. No person shall drive, operate or park a motor vehicle in a park except on a roadway in the park designed for that purpose.
- 11.2. No person shall drive, operate or park an off-highway vehicle in a park except where authorized by signage.

12. STORM WATER MANAGEMENT FACILITIES

- 12.1. No person shall operate a boat powered by a motor upon any Storm Water Management Facility.
- 12.2. No person shall wade or swim in any Storm Water Management Facility.

13. PARK HOURS AND CLOSURES

- 13.1. The Director may from time to time designate hours of operation for parks.
- 13.2. The Director may temporarily close a park or any part thereof to public use.
- 13.3. No person shall enter into or remain in a park or part thereof that is closed.

- 13.4. Any person who enters or remains in a park or part thereof that is closed may be asked to leave by a Peace Officer.
- 13.5. No person shall refuse to leave a park after having been asked to do so by a Peace Officer.
- 13.6. No person shall be in violation of Section 13.3 if he or she is using a walkway or developed trail running through a park as a linkage.
- 13.7. Where a park or any part thereof is closed to public use, signage shall be posted to that effect.

14. EXEMPTIONS

- 14.1. The employees, servants and agents of the Town, while acting in the course of their employment or duty, are exempt from the provisions of this Bylaw.
- 14.2. A Peace Officer, or a member of the Fire Dept., while acting in the course of their employment of duty, is exempt from the provisions of this Bylaw.
- 14.3. A person who is carrying out duties specific to a special event, in accordance with a Special Event Permit, and all conditions therein.

15. DELEGATION OF AUTHORITY

- 15.1. A Peace Officer is hereby delegated the authority to:
 - 15.1.1. enter on and inspect any land, road, structure or work in the park;
 - 15.1.2. 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;
 - 15.1.3. order any person to disperse or leave the park if they are contravening the Bylaw;
 - 15.1.4. remove from the park:
 - 15.1.4.1. any person who has, under reasonable and probable grounds, contravened any provision of this bylaw;
 - 15.1.4.2. any person found in contravention of any section of this Bylaw;
 - 15.1.4.3. any person who is suspended from entering or using the facilities of a park; or

- 15.1.4.4. any person who breaches a law of the Government of Canada or the Province of Alberta in or about a park.
- 15.2. Contravention of the Bylaw may be considered an offence under the *Petty Trespass Act*, RSA 2000 c. p-11, if the Person is told they are in contravention of this bylaw and asked to leave the park.

16. OFFENCES

- 16.1. A person who contravenes any provision of this bylaw is guilty of an offence.
- 16.2. In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or any part of a day, during which the contravention continues, and a person is guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such separate offence.
- 16.3. Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Town to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.

17. FINES AND PENALTIES

- 17.1. A person who is guilty of an offence under this bylaw is liable:
 - 17.1.1. to a specified penalty as prescribed in schedule "A"; or
 - 17.1.2. on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one (1) year, or both.

18. MUNICIPAL VIOLATION TAG

- 18.1. A peace officer may issue, with respect to an offence under this bylaw, a municipal violation tag specifying the penalty established by this bylaw.
- 18.2. Where a municipal violation tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

19. VIOLATION TICKET

- 19.1. A peace officer may issue, with respect to an offence under this bylaw, a violation ticket:
 - 19.1.1. specifying a penalty established by this bylaw; or
 - 19.1.2. requiring an appearance in court without the option of making a voluntary payment.

19.2. Where a violation ticket specifies a penalty, a voluntary payment equal to the specified penalty amount may be made as directed.

20. GENERAL AND INTERPRETATION

20.1. Without restricting any other power, duty, or function granted by this bylaw, the Chief Administrative Officer may:

- 20.1.1. carry out whatever inspections are reasonably required to determine compliance with this bylaw; and
- 20.1.2. delegate any powers, duties, and functions under this bylaw to an employee of the Town.

20.2. A copy of a record of the Town, certified by the Chief Administrative Officer, as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

20.3. The burden of proving, on a balance of probabilities, that an exception referred to by this bylaw applies in a particular case is on the person alleging such exception.

20.4. Headings or subheadings are inserted for ease of reference and guidance purposes only and do not form part of this bylaw.

20.5. Where this bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this bylaw, and includes reference to any act, regulation code or other bylaw that may be substituted in its place.

20.6. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

20.7. Nothing in this bylaw relieves a person from complying with any provision of any federal, provincial, or municipal law or regulation or any other requirement of any lawful permit, order, or license.

READ A FIRST TIME THIS 7 DAY OF May, 2019.


MAYOR

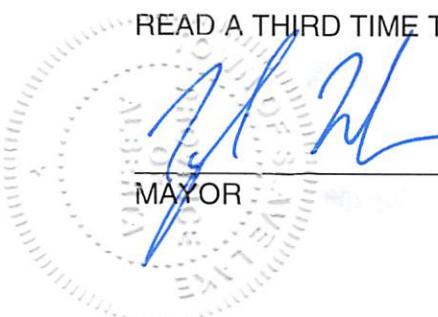

CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME THIS 7 DAY OF May, 2019.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME THIS 7 DAY OF May, 2019.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule A – Specified Penalties

1. FINES:

SECTION: _____ FINE: _____

4.1.	\$287.00
4.2.	\$115.00
4.3.	\$287.00
4.4.	\$115.00
4.5.	\$115.00
4.6.	\$115.00
4.7.	\$230.00
5.1.	\$287.00
5.2.	\$115.00
5.3.	\$230.00
5.4.	\$230.00
5.5.	\$287.00
5.6.	\$115.00
5.7.	\$287.00
5.8.	\$287.00
7.1.	\$115.00
7.2.	\$115.00
8.1.	\$230.00
8.2.	\$230.00
9.1.	\$287.00
9.3.	\$287.00
9.4.	\$287.00
10.1	\$115.00
10.2	\$115.00
10.3	\$115.00

11.1.	\$287.00
11.2.	\$287.00
12.1.	\$230.00
12.2.	\$115.00
13.3.	\$287.00
13.5.	\$287.00