

Town of Bow Island
Province of Alberta
Bylaw No. 2016:02

A BYLAW OF THE TOWN OF BOW ISLAND IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL AND OPERATION OF MUNICIPAL PARKS AND CAMPGROUNDS

1. Whereas, the provisions of the *Municipal Government Act* as amended, provides Council the authority to pass a Bylaw respecting all matters pertaining to services provided by the Town of Bow Island (the "Town").

DEFINITIONS

2. In this Bylaw:
- a. "Bylaw may be referred to as the "Parks Bylaw";
 - b. "Animal" means a domestic animal and includes an animal that is wild by nature but has been domesticated;
 - c. "Bylaw Tag" means a notice or form having printed wording approved by the Chief Administrative Officer to any person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the Town in the amount specified in this bylaw or in the *Traffic Safety Act*, as amended or the regulations pursuant to the *Provincial Offences Procedure Act*, as amended.
 - d. "Camping Accommodation Unit" means:
 - (i) a tent
 - (ii) a trailer
 - (iii) a tent trailer
 - (iv) a motor home
 - (v) a van
 - (vi) a truck camper
 - (vii) a passenger vehicle
 - e. "Camp" means locating of, erecting of, or use of a camping accommodation unit for the provisions of sleeping accommodation, and includes sleeping overnight or any portion thereof, in the open air;
 - f. "Campsite" means a designated/assigned/allotted campsite in a park or campground designated as an individual campsite under this Bylaw;
 - g. "Council" means the Council of The Town of Bow Island;
 - h. "Day use area" means a park, or portion thereof, designated by Council for use by park patrons between the hours of 8:00 a.m. and 11:00 p.m., unless otherwise posted;
 - i. "Fire ban" means a general fire prohibition as authorized by Council or the Town of Bow Island's Fire Chief or designate;
 - j. "Firearm" means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things;
 - k. "Highway" means a highway as defined in the *Traffic Safety Act*;

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- l. "Municipal Enforcement Officer" means a Bylaw Officer or Municipal Enforcement Officer employed by the Town of Bow Island;
- m. "Motor Vehicle" means a motor vehicle as defined in the *Traffic Safety Act*;
- n. "Liquor" means liquor as defined in the *Gaming & Liquor Act*;
- o. "Off-Highway Vehicle" means an off highway vehicle as defined in the *Traffic Safety Act*;
- p. "Park" means land designated as park, campground, day use area or recreation area by the Council;
- q. "Peace Officer" means a Community Peace Officer or Bylaw Officer as appointed under the authority of the *Peace Officer Act* and employed as such by the Town of Bow Island or any member of the Royal Canadian Mounted Police.
- r. "Violation Ticket" means a municipal violation ticket issued under this bylaw; or a summons Part 2 or Part 3 of the *Provincial Offences Procedures Act*.

COUNCIL

- 3. The Council may
 - a. Subject to the *Traffic Safety Act*, control and prohibit the movement of vehicular, pedestrian and other traffic by means of signs and notices designated and erected by it; and;
 - b. Designate and erect other signs and notices governing and prohibiting activities that are provided for in this Bylaw;
 - c. Allow the removal of vehicles in compliance with the *Traffic Safety Act*.
 - d. Close any part of any park permanently, or for a specified period of time; or
 - e. Subject to the *Gaming and Liquor Act*, prohibit the use of liquor in any part of any park for a specified period of time;
 - f. Council may establish "Day Use" areas in any part of any park which require fees and forms completed prior to use.

PEACE OFFICERS

- 4(1) The Peace Officer may prohibit a person from entering, or being in a park, for a specified period of time.
- 4(2) The Peace Officer is appointed and necessary for the administration of this Bylaw.
- 4(3) The Peace Officer must be clearly identified by attire;
- 4(4) For the purpose of administering the Bylaw, Peace Officers have jurisdiction in the Park that they were hired to patrol, and may:

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- a. Enter on and inspect any land, road structure or work in a park; or
- b. Order the repair, alteration, improvement, evacuation or removal of, or addition to any unauthorized structure or work in a park; or
- c. Order any person in a park to cease or refrain from any action, omission or conduct that in the opinion of the Peace Officer is an offence, dangerous to life or property, or detrimental to the use and enjoyment of the park by other people; or
- d. Require any person in a park to inform a Peace Officer of
 - (i) his name, birth date, address and occupation of his or herself, and
 - (ii) his intended use of the park; or
- e. Information collected cannot be used except for the intended purpose for which it was obtained, in accordance with the *Freedom of Information and Protection of Privacy Act*.
- f. Remove from a park
 - (i) any person making an unauthorized use of the park; or
 - (ii) any person failing to comply with any provisions of this Bylaw; or
 - (iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.
- g. Refuse to admit entry of any person to a park.
- h. A Peace Officer may prohibit the entry of a motor vehicle into any part of the park in which they are designated as a Peace Officer
- i. If a Peace Officer prohibits the entry of a motor vehicle under Subsection (h) above, no person shall operate the motor vehicle in that part of the park.

ABANDONMENT AND SEIZURE OF VEHICLES

5. Seizure of vehicles will be in accordance with the *Traffic Safety Act*.

PARK PATRONS

6(1) Orders of Peace Officer

- a. No person shall fail or refuse to comply with a lawful order or request of a Peace Officer.
- b. No person shall obstruct or hinder a Peace Officer in the execution of his duties.
- c. No person or group who has been removed from a park pursuant to Section 4(4)(f) of this Bylaw shall, within the following Seventy-Two (72) hour period, enter or attempt to enter that park or any other Park or Day-Use area owned by the Town of Bow Island.
- d. No person who has been prohibited from a park pursuant to Section 4 of this Bylaw shall enter or attempt to enter that park without permission of the Peace Officer.

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- e. A Peace Officer may cancel a permit if the holder of the permit contravenes this Bylaw and the holder of the permit and other persons associated with him shall vacate the park within one hour of being notified of such.
- f. No person shall enter or remain in any park or portion of a park where travel or access restrictions have been imposed under this Bylaw.

6(2). Quiet and Peaceful Enjoyment

- a. No person shall interfere with the quiet and peaceful enjoyment of a park by others.
- b. Quiet hours are 11:00pm to 8:00am. Generators and other loud appliances and equipment are prohibited during the quiet hours, unless otherwise posted.

6(3). Fires

- a. No person shall:
 - (i) leave a fire unattended or allow it to spread; or
 - (ii) dispose of hot coals, ashes, embers or any burning or smoldering material in a place other than a stove, fire pit or other place provided for that purpose; or
 - (iii) leave a fire, hot coals, or smoldering materials without extinguishing them prior to leaving the campsite or the park.
 - (iv) Set, light or maintain a fire in a park except in a fireplace, pit or other facilities designed for that purpose.
- b. No person shall set, light or maintain a fire in a park or part of a park, where signs or notices have been erected prohibiting such acts.
- c. Where the Peace Officer is of the opinion that a fire hazard exists in a park, after receiving permission from the Town Manager or Fire Chief may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the Park.

6(4). Vehicles

- a. No person shall operate a motor vehicle, within a park except:
 - (i) on a highway as defined in the *Traffic Safety Act*; or
 - (ii) with written authorization from the Town of Bow Island, in the case of an area that is not a highway.
- b. No person shall:
 - (i) Within a park, operate or ride an off highway vehicle or any other such specialized means of conveyance, whether motor driven or propelled by human power;
 - (ii) Subsection (a) above does not apply to bicycles, vehicles designed to assist the physically challenged or special circumstances exempted by the Town of Bow Island.
 - (iii) Subsection (b) does not apply to off-highway vehicles involved in park maintenance and operations.

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- c. No person shall park or leave a motor vehicle, boat, trailer or camping accommodation unit or permit a motor vehicle, boat, trailer or camping accommodation unit to be parked or left in a park other than in parking areas designated for that purpose by the Peace Officer.

6(5). Park Entry

- a. A person engaging in an activity under this Bylaw that requires a fee, shall pay the fee in respect to that activity that is required and set by the Town of Bow Island.
- b. A person who enters a park shall comply with:
 - (i) any lawful order and instructions made or issued pursuant to this Bylaw, and
 - (ii) the instructions, prohibitions and directions prescribed by all signs and notices.

6(6). Nuisances

- a. A person using a park shall keep the land and improvements in a condition satisfactory to a Peace Officer.
- b. A person vacating a park shall restore the land and improvements as nearly as possible, to a clean and tidy condition.
- c. If, in the opinion of a Peace Officer, a nuisance exists the Officer may order the person causing the nuisance to abate the nuisance or clean the site, or both.
- d. Where a person fails to comply with an order made pursuant to Subsection (a) above, the Peace Officer may take whatever steps are necessary to address or abet the nuisance or clean the site, or both, and the cost of doing so is recoverable from the person who failed to comply with the Order as a debt.
- e. No person shall display or post any signs or advertisements in the park other than signs and advertisements approved by the Town of Bow Island or Peace Officer.
- f. No person shall remove, deface, damage or destroy any sign board, sign or notice posted or placed in any park, under authority of this or any other Bylaw or Act.
- g. No person shall deposit liquid or solid waste matter in a park, except in a receptacle provided for that purpose.
- h. No person shall bring commercial or residential waste matter into a park for disposal.
- i. In areas in a park where waste disposal receptacles or areas are not provided, all park users shall carry any waste produced by them out of the area, for disposal.
- j. No person shall bath, clean clothing, fish, cooking or eating utensils, vehicles, camping accommodation unit or other equipment in any park.

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- k. No person shall remove water from a park except for the personal use of himself and his party in the camping accommodation unit he is using at the time.

6(7). Camping

- a. No person shall remain overnight in a park:
 - (i) except in an area designated for overnight use, unless he is otherwise authorized by a Peace Officer, and
 - (ii) unless he has a valid permit under this Bylaw to do so.
- b. Where a campground within a park is developed with individual campsites, only the following motor vehicles and camping accommodation units are permitted to be kept in an individual campsite unless a Peace Officer gives written permission to the contrary:
 - (i) two motor vehicles, that are not a camping accommodation unit;
 - (ii) in addition to the motor vehicles referred to in clause (i), one camping accommodation unit of any kind, including a camping accommodation unit that is a motor vehicle;
 - (iii) in addition to the camping accommodation unit referred to in clause (ii) above, one tent may be permitted, unless at the discretion of the Peace Officer more are permitted per site.
- c. No person in whose name is issued a permit for use of an individual campsite shall bring into or permit to remain on the subject campsite more vehicles or camping accommodation units than are permitted by Subsection (a).
- d. No person who is visiting a person camped in an individual campsite, shall park his motor vehicle or remain at the campsite after the posted day use hours or 11:00 p.m, whichever is earliest.
- e. A person visiting a person camped in an individual campsite, shall park his motor vehicle in a designated area.
- f. Not more than six (6) people may occupy an individual campsite unless they are all members of a single-family unit.

6(8). Liquor

- a. No person shall contravene the provisions of the *Gaming & Liquor Act*, and regulations.
- b. No person shall possess open liquor, other than at their campsite.
- c. When a Peace Officer encounters a person committing an offence under Subsection (a), the Peace Officer may direct the person to dispose of the liquor.

6(9). Firearms/Fireworks

- a. No person shall discharge a firearm/firework in a park.
- b. A person who is in possession of a firearm in a park shall ensure that the firearm is unloaded and either disassembled or cased, and stored in compliance with the provisions of the *Criminal Code of Canada* and the *Firearms Act*.

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- c. This Section 6(9) does not apply to Peace Officers engaged in the performance of their duties.
- d. No person shall, detonate explosives or other explosive devices or set off fireworks in a park or day use area:
 - (i) except as necessary for pest control, under the direction of the Town of Bow Island.

6(10). Damaging Parks

- a. No person in any park shall:
 - (i) remove, destroy, mutilate, deface, or climb upon any building, structure, fixture or chattel; or
 - (ii) plug, tamper with, or in any way damage plumbing, electrical, heating, or other fixtures.
- b. No person in any park shall:
 - (i) cut, break, bend or any way injure or deface any turf, tree, shrub, hedge, plant, flower or park ornament; or
 - (ii) walk, stand, or sit on any flower bed; or
 - (iii) walk upon any lawn or garden where signs are posted prohibiting persons from so doing; or
 - (iv) dig in the earth or remove any tree, plant, shrub, or any equipment or any kind that is fixed or growing thereon, or plant trees, shrubs or other potentially invasive plants without written permission from the Peace Officer.
- c. No person shall deface, injure or destroy any object in a park, whether created by natural means or otherwise.
- d. No person in any park shall construct permanent barbecues, fences, obstructions or buildings.

6(11). Business Operations

- a. No person shall carry on a business in a park unless he has received permission from the Peace Officer for that purpose.

PERMITS (WAIVERS AND RELEASES INCL.)

- 7(1) The Town of Bow Island or designate may issue individual campsite permits, day-use permits and group camping permits under this Bylaw.
- 7(2) The Town of Bow Island may provide designated areas within its parks for camping and day-use purposes.
- 7(3) A sign or notice shall be posted at or near the entrance to the park requiring persons to obtain a permit as prescribed.
- 7(4) No person shall enter an area and camp, picnic, loiter or otherwise, without a permit, when permits are required by the Town.
- 7(5). Permits shall be issued on a first come, first served basis.

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- 7(6). No person shall:
- a. alter a permit; or
 - b. transfer a permit to another person
- 7(7) The holder of a permit shall keep it available for inspection at any time and shall produce it for inspection on the request of a Peace Officer.
- 7(8) At the time of issue of a group permit, council may make the permit subject to any conditions the Town of Bow Island CAO considers appropriate.
- a. On the expiry or cancellation of a camping or day-use site permit, the permit holder shall ensure that the campsite or day-use site is vacated and that all camping accommodation units, equipment and other property belonging to him or persons in his group are removed.

ANIMAL CONTROL

- 8(1) No person having the custody or control of an animal shall bring the animal into a park or allow the animal to enter or remain at large in a park unless it is in a cage or is restrained by a leash, chain or other device that is not greater than 2 meters in length.
- 8(2) No person having custody or control of an animal shall bring into or allow an animal to enter or remain in or on any area in a park that is:
- a. a public washroom, change house, concession, public shelter, or other public building or structure; or
 - b. an area where signs are posted prohibiting animals.
- 8(3) An owner whose animal defecates on park property shall remove forthwith any defecated matter.
- 8(4) A Peace Officer may refuse to admit to a park or require to be removed from a park any animal if in his opinion, it is not under the control of a responsible person or may be a nuisance or damage to the life, safety, health, property or comfort of any person in the park.
- 8(5) An Animal Control Officer, is defined as a Bylaw or Municipal Enforcement Officer, and may capture an animal running at large in a park.
- 8(6) Where the owner or person having custody claims a captured animal from an Animal Control Officer or designate, he shall pay any fines imposed and impoundment fees charged for the impoundment of the animal.
- 8(7) No action shall be taken against any person acting under the authority of this Bylaw for damages for destruction or other disposal of any animal.

DAY USE AREAS

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- 9(1) No person shall occupy a day use area between the hours of 11:00pm and 8:00am, unless the area is otherwise posted.
- 9(2) All permits, waivers and releases or fees must be completed prior to use of the day use area.

PENALTIES

- 10(1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) and not less than Twenty-Five Dollars (\$25.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- a. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Municipal Violation Ticket pursuant to the Town of Bow Island's Bylaws, and/or a Violation Ticket in accordance with Part 2 or Part 3 of the *Provincial Offences Procedure Act*.
 - b. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 10(2) Where any person contravenes the same section of this Bylaw twice within one Twelve (12) month period, the specified penalty payable in respect of the second contravention shall double in the amount as shown in accordance with Schedule "A".
- a. A notice or form commonly called a Bylaw Tag having printed wording approved by the CAO, may be issued by a Peace Officer or Bylaw Officer to any person who has contravened any provision of this Bylaw or its regulations.
 - b. The penalty in lieu of prosecution applicable to any contravention of this Bylaw, to be used when issuing a Bylaw Tag shall be the same as the specified penalty shown in Schedule "A".
 - c. A person who has been served with a Bylaw Tag in relation to a contravention of this Bylaw, and who has paid the penalty provided within the time allowed shall not be liable to prosecution for the subject offence.
- 10(3) A Bylaw Tag shall be deemed to be sufficiently served:
- a. if served personally on the accused; or
 - b. if mailed by regular mail to the address of the owner or person accused
- 10(4) If a motor vehicle, off highway vehicle, or trailer or camping accommodation unit is involved in a contravention of this Bylaw, the owner of that motor vehicle, off highway vehicle, or trailer or camping accommodation unit is guilty of an offence unless he proves to the satisfaction of the court that at the time of the offence the motor vehicle, off highway vehicle, or trailer or camping accommodation unit was not being operated or used by him.

TRANSITION

11. This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

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GENERAL

1. A Bylaw Enforcement Officer or a person authorized by the Town may enforce the provisions of this Bylaw without the Bylaw Enforcement Officer or person authorized by the Town, the owner of the property on which an alleged offence has occurred, or the Town incurring liability for doing so.
2. Each separate provision of this Bylaw shall be deemed to be independent of all other provisions and if any provision of the Bylaw is deemed or declared to be invalid all other provisions shall remain valid and enforceable.
3. Should a provision of this Bylaw conflict with a provision of any other Bylaw of the Town, the provisions of this Bylaw shall prevail. Schedule "A" to this Bylaw may be amended, by Council and any such amendment shall form part of this Bylaw.

Read a first time this 25th day of April, 2016.
Read a second time this 25th day of April, 2016.

MAYOR

Date: _____

TOWN MANAGER

Date: _____

Read a third and final time this 9th day of May, 2016.

MAYOR

Date: _____

TOWN MANAGER

Date: _____

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SCHEDULE " A "

| Town of Bow Island's Specified Penalties Offence Under Section | Offence | Amount |
|--|---|----------|
| 4(4)(i) | Operate vehicle in park when refused by a Peace Officer | \$250.00 |
| 6(a) | Fail to comply with lawful demand of Peace Officer | \$250.00 |
| 6(b) | Obstruct Peace Officer | \$250.00 |
| 6(c) | Re-entering/attempting to re-enter park following removal | \$250.00 |
| 6(d) | Re-entering/attempting to re-enter park following prohibition | \$250.00 |
| 6(e) | Enter/remain in park where access restricted | \$100.00 |
| 6(2) | Interference with rights of others to peace and quiet | \$150.00 |
| 6(3)(a) (i) | Leaving fire unattended | \$ 50.00 |
| 6(3)(a) (ii) | Improper disposal of burning material | \$ 25.00 |
| 6(3)(a) (iii) | Not extinguishing fire before leaving | \$ 50.00 |
| 6(3)(a) (iv) | Starting fires in undesignated area | \$ 75.00 |
| 6(3)(b) | Starting fires when prohibited | \$250.00 |
| 6(4)(a) | Operating vehicle off designated roadways | \$ 50.00 |
| 6(4)(b) | Operating off highway vehicle where prohibited | \$ 50.00 |
| 6(4)(c) | Parking vehicle in non-designated area | \$ 25.00 |
| 6(5)(b) | Fail to follow lawful order/instructions/directions of sign | \$100.00 |
| 6(6)(b) | Restore land to clean and tidy condition | \$100.00 |
| 6(6)(e) | Display or posting of unauthorized signage/advertisements | \$ 50.00 |
| 6(6)(f) | Removal; defacing, or damage of signs | \$100.00 |
| 6(6)(g)(h) | Deposit waste | \$100.00 |
| 6(6)(j) | Unauthorized cleaning in Park | \$100.00 |
| 6(6)(k) | Removal of water for offsite use | \$100.00 |
| 6(7)(a)(i) | Remain camped where prohibited | \$100.00 |
| 6(7)(c) | Excessive number of units | \$100.00 |
| 6(7)(d) | Exceed on site stay | \$100.00 |
| 6(7)(e) | Park where unauthorized | \$100.00 |
| 6(8)(b) | Open liquor outside campsite | \$100.00 |
| 6(9)(a) | Discharge Fireworks | \$100.00 |
| 6(10)(a)(b) | Damage Park | \$200.00 |
| 7(4) | Occupy without permit | \$100.00 |
| 8(1) | Animal off leash | \$50.00 |
| 8(3) | Failure to remove animal waste | \$100.00 |
| 9(1) | Occupy Day Area without permission | \$100.00 |