

TOWN OF SEXSMITH
BYLAW NO. 861A
PARKS BYLAW

BYLAW NO. 861 OF THE TOWN OF SEXSMITH THE PROVINCE OF ALBERTA TO PROVIDE FOR CONTROLS AND REGULATIONS PERTAINING TO THE PUBLIC USE OF PARKS WITHIN THE TOWN.

WHEREAS Section 23 of the municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, and amendments thereto, authorizes the Council to pass bylaws respecting all matters pertaining to the grounds and control of structures, equipment, machinery and fittings that may be necessarily required; and

WHEREAS within the Corporate limits of the Town of Sexsmith there are public places with facilities that are available to the general public; and

WHEREAS certain of those facilities are under the direct control of the Town of Sexsmith for their operations; and

WHEREAS it is deemed desirable and expedient and in the public interest to provide for the control and protection of the facilities and of the public using the facilities;

NOW THEREFORE the Council of the Town of Sexsmith duly assembled in open meeting enacts as follows:

1. This Bylaw shall be cited as "The Parks Bylaw"

2. **Interpretation**

- (a) "Animal" means a dog or domesticated or wild animal of any kind.
- (b) "Children" has the same meaning as under the Age of Majority Act.
- (c) "Council" means the Council of the Town of Sexsmith.
- (d) "Off-highway Vehicle" has the same meaning as defined in the Off-Highway Vehicle Act.
- (e) (e.1) "Parks" when used as a noun, means an area, including vegetation and improvements located herein, over which the Town exercises control, and so as not to restrict the generality of the foregoing, includes:
 - (e.2) Every public park, sports field, playground or recreation area title to which is vested in the Town of Sexsmith, excepting those facilities or areas which are operated by a public service group or society under agreement with the Town of Sexsmith;
 - (e.3) Any public reserve or area used as a park or highway buffer strip, whether on a permanent or temporary basis;
 - (e.4) Any area designated by resolution of the Town Council as a park for the purposes of this Bylaw.

- (f) "Parks" when used as a verb, has the same meaning as defined in the Off-Highway Vehicles Act.
- (g) "Peace Officer" shall mean a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer appointed for the Town.
- (h) "Person" includes any person, individual, owner, public body, body corporate, society, firm or partnership.
- (i) "Roadway" has the same meaning as defined in the Highway Traffic Act.
- (j) "Specified Penalty" means the amount of which a person who receives a ticket for contravention of a provision of this bylaw may voluntarily pay to avoid prosecution.
- (k) "Town" shall mean the Town of Sexsmith.
- (l) "Vehicle" has the same meaning as defined in the Highway Traffic Act.

3. Hours

- (a) The Town Council may by resolution regulate the park or parks for such hours or period of time as it may direct.

4. Fences

- (a) No person shall climb on or over fences located in or at the edges of a park.

5. Signs

- (a) No person shall disobey a directive sign placed in a park.

6. Damages

- (a) No person shall damage, deface, destroy or remove:
 - 1a. A structure, fixture, improvement, sign or other property;
 - 2a. Vegetation, soil, sand, gravel or wood, or any other material located in a park.
- (b) No person shall deposit waste of any nature or kind in a park except in designated areas.

7. Park Use

- (a) No person shall engage in an activity in a park which may:
 - 1a. Injure any other person using the park;
 - 2a. damage the park;
 - 3a. Be incompatible with other common uses of the park.

- (b) No person shall, in a park engage in:
 - 1b. propelling a golf ball in any manner;
 - 2b. archery;
 - 3b. the use of a sling shot;
 - 4b. the shooting of a projectile of any nature
 - 5b. the discharge of any fireworks or fire cracker.
- (c) The Council may designate parks or areas within a park where any of the activities otherwise prohibited by sub-section 2b are permitted.
- (d) The Council may make regulations designating
 - 1d. A park or portion of a park as an area which may be licensed to the exclusive use of a person or a group;
 - 2d. the conditions upon which exclusive use may be made of an area;
 - 3d. areas excluded from use by the public.
- (e) The Council may grant to a person exclusive use of an area so designated.
- (f) The Council may make regulations for the orderly use of facilities.
- (g) The Council may make regulations for the orderly use of a park including the prohibition in a park or a portion of a park of activities not otherwise prohibited in this Bylaw.
- (h) No person shall:
 - 1h. interfere with the use of an area by a person or group to which exclusive use has been granted;
 - 2h. start a fire, except in fireplaces provided therein for such purpose and except in a barbecue or other portable fire appliance in an area of such park specifically designed for such purpose;
 - 3h. swear or use obscene, offensive or insulting language, fight, be drunk or conduct himself in a disorderly manner and/or otherwise act in a manner that is noisy and disturbs or is likely to disturb, cause inconvenience, or embarrassment to other park users.
- (i) Where, in the opinion of the Park Caretaker and/or Peace Officer, any person is acting in a manner consistent with any provision of subsection (h), the Park Caretaker and/or Peace Officer may enter and inspect the site and direct that person to cease that action and the person so directed shall forthwith comply with that directive.

8.

Water Bodies

- (a) No person shall enter a body of water located in or flowing through

a park, or through Environmental or Municipal Reserve (ER, MR), or venture onto the ice surface of any frozen body of water in a park.

(b) This section shall not apply to:

1b. A person authorised by the Council to enter a body of water or onto the ice surface of any frozen body of water in a park;

2b. A person authorised by the Council to use a boat or craft of any nature of kind on the water as he deems necessary and upon the terms and conditions they may in their discretion.

9. Fishing

(a) No person shall fish in a park without a municipal fishing license as Council may designate from time to time.

(b) Council may designate or restrict the size and possession limit of fish caught in a park, and the age of a person permitted to fish in a park

10. Camping

(a) No person shall camp or erect a tent in a park, except in areas designated by the Council.

(b) Council may designate a maximum number of days in which a park user is allowed to camp in a park.

(c) Upon arrival, all campers in a park must register all required information, as designated by Council.

11. Vehicles

(a) No person shall operate a vehicle in a park, except on a roadway provided for such use.

(b) No person shall park a vehicle in a park, except in an area designated for such use.

(c) No person shall operate an off-highway vehicle in a park.

(d) No person shall operate a vehicle in a park in excess of ten (10) kilometres per hour or as otherwise posted.

12. Sale of Goods and Services

(a) The Council may make regulations governing the sale of goods and services in a park.

(b) No person shall make available for sale goods and serviced in a park unless:

1b. such activity is permitted by the regulations, and

2b. the Council has first given written approval.

13. Advertising

- (a) No person shall advertise or publicise anything in a park by any means without the prior written approval of the Council.

14. Supervision of Children

- (a) Parents and/or Guardians are responsible for supervision of their children in a park.

Supervision of Dogs

- 15. (a) Any animal causing a disturbance or owners not picking up wastes may result in the camper being asked to leave the park.
- (b) Camper units not removed as requested could be subject to being commercially removed to a impound yard.

16. Penalty Provision

- (a) A person who contravenes a provision of this Bylaw is guilty of an offence, and where no penalty is otherwise provided, is liable by way of summary conviction to a fine of not less than \$100.00 and not more than \$2500.00 and in default of payment of the fine and costs, including the cost of committal, to imprisonment for a term not exceeding six (6) months.
- (b) The section of the Bylaw which was contravened shall be indicated on a ticket, as well as the time, date, and place which the accused is required to appear before a Justice in Provincial Court.
- (c) A ticket shall be deemed to be sufficiently served:
 - 1c. if served personally on the accused, or if mailed by registered mail to the address of the registered owner of the vehicle concerned, or to the person concerned; or
 - 2c. if attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
- (d) Notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this section may exercise his right to defend any charge of contravention, of any of the provisions of this Bylaw.
- (e) A person to whom a ticket has been issued pursuant 15 (b) has 24 (twenty-four) hours to have the unit to Section removed.

- 17. The fees for fines as per “Schedule A” may be revised from time to time by Council resolution.

18. This Bylaw shall come into effect as the final passing thereof and this Bylaw repeals Bylaw No. 831.

READ A FIRST TIME THIS 19th DAY OF APRIL, 2010

READ A SECOND TIME THIS 19th DAY OF APRIL, 2010

READ A THIRD TIME AND DULY PASSED THIS 3rd DAY
OF MAY, 2010

C. Lagace, Mayor

Carolyn Gaunt, Town Manager

**Parks Bylaw
Set Fish Limit**

Resolution 168-0705 (July 18/05)

Moved by Councillor Skjaveland that the limit for fish to be caught per day from Heritage Park be set at 5.

CARRIED UNANIMOUSLY

Schedule “A” Penalties

4. a)	No person shall climb on or over fences located in or at edges of a park	\$100.00
5. a)	Disobey a directive sign placed in park	\$100.00
6. a)	Damage, deface, destroy or remove structure, property, vegetation, or any other material	\$500.00
6. b)	Deposit waste in park	\$200.00
7. a)	Engage in prohibited activity	\$200.00
7. b)	Propelling a golf ball in park	\$200.00
	Archery	\$200.00
	Sling shot	\$200.00
	Shooting projectile of any nature	\$200.00
	Discharge of fireworks or fire cracker	\$200.00
7. h) 1h.	Interfere with approved exclusive use	\$200.00
7. h) 2h.	start fire outside of designated area	\$200.00
7. h) 3h.	use of offensive language or disorderly conduct	\$200.00
8. a)	Entering water body or ice surface of frozen body of water in park	\$200.00
9. a)	Fishing without a license	\$200.00
9. b)	Catching more than five fish in one day	\$200.00
10. a)	Camping or tenting in unauthorized area	\$200.00
10. c)	Not registering required information	\$300.00
11. a)	Operate vehicle on other than roadway	\$200.00
11. b)	Park except in designated area	\$50.00
11. c)	operate off-highway vehicle in park	\$200.00
11. d)	operate vehicle in excess of 10 km./hr. or as otherwise posted	\$150.00
12.	Sell goods in park without written Council approval	\$100.00
13. a)	Advertise or publicise anything in park without written Council approval	\$100.00