

Bylaw No. 689-2007 PARKLAND BYLAW

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A BYLAW OF THE CITY OF LEDUC, IN THE PROVINCE OF ALBERTA, TO REGULATE PUBLIC PARKS, OPEN SPACES AND RECREATIONAL AREAS WITHIN THE CITY OF LEDUC.

WHEREAS, Section 7(a) of the *Municipal Government Act*, R.S.A. 2000 c.M-26, as amended or repealed and replaced from time to time, (the "*Municipal Government Act*"), authorizes the Council of a municipality to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, Section 7(b) of the *Municipal Government Act* authorizes the Council of a municipality to pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS, Section 7(i) of the *Municipal Government Act* authorizes the Council of a municipality to pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

THEREFORE, the Council of the City of Leduc, in the Province of Alberta, in open meeting assembled enacts as follows:

BYLAW TITLE

1. This bylaw may be cited as the "Parkland Bylaw."

DEFINITIONS

2. For the purposes of this Bylaw, the following words will have the meanings assigned:

Animal: shall have the same meaning as in the *Animal Licensing and Control Bylaw*, Bylaw No. 580-2004, as amended or repealed and replaced from time to time (the "*Animal Licensing and Control Bylaw*")

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Bylaw Enforcement

- Officer:** means a Bylaw Enforcement Officer appointed by the City pursuant to the *Municipal Government Act* to enforce City Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time.
- Campground:** means Parkland that has been designated by the City as a site on which overnight camping is permitted.
- Cat:** shall have the same meaning as in the *Animal Licensing and Control Bylaw*
- City:** means the Municipal Corporation of the City of Leduc.
- City Manager:** means the Chief Administrative Officer of the City or his delegate.
- Council:** means the Council of the City.
- Dog:** shall have the same meaning as in the *Animal Licensing and Control Bylaw*
- Highway:** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6 as amended or repealed and replaced from time to time (the "*Traffic Safety Act*").
- Motor Vehicle:** has the same meaning as in the *Traffic Safety Act*.
- Multiway:** means that system of multiuse pathways developed or designated as the Multiway.
- Off-Highway Vehicle:** has the same meaning as in the *Traffic Safety Act*.
- Parkland:** means any property, whether developed or not, that is owned, controlled or maintained by the City, or otherwise open to the public, and is:
- a) specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other

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organizations pursuant to arrangements with the public authority owning the Parkland, but does not include the Leduc Golf & Country Club;

- b) acquired by the City as municipal reserve, school reserve, municipal and school reserve, public utility lots or environmental reserve pursuant to the *Municipal Government Act*;
- c) designated by Council as Parkland for the purposes of this Bylaw, including all school grounds within the City of Leduc owned by the School Boards; or
- d) developed or designated by the City as the Multiway, including pathways other than Sidewalks.

Permit: means a written permission, in a form approved by the City Manager, to undertake an activity on Parkland that is otherwise regulated, restricted or prohibited by this Bylaw.

Person: includes an individual, corporation, firm, partnership, association or body corporate.

Portable

Appliance: means any appliance sold or constructed for the purpose of cooking food in the outdoors.

Roadway: has the same meaning as in the *Traffic Safety Act*.

Sidewalk: has the same meaning as in the *Traffic Safety Act*.

School Board: means either the Black Gold School Division No. 17 or the St. Thomas Aquinas Roman Catholic Separate Regional Division No. 38.

Storm Water

Pond: means an area designated to temporarily store excess flow in a drainage system.

Vegetation: includes all trees, shrubs, plants, flowers, grass, and ground cover, whether it is in its wild or natural state, or has been planted.

Violation Tag: means a tag or similar document issued by the City pursuant to the *Municipal Government Act* that alleges a Bylaw offence and provides a person with the opportunity

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to pay an amount to the City in lieu of prosecution for the offence.

Violation Ticket: has the same meaning as in the *Provincial Offences Procedure Act*.

APPLICATION

3. This Bylaw shall apply to all Parkland in the City, subject to any exceptions provided in any statute of the Province of Alberta or any agreement entered into by the City affecting any Parkland.

PERMISSION

4. (1) Notwithstanding any other provision of this Bylaw, a Person may carry out any activity on Parkland otherwise regulated, restricted or prohibited by this Bylaw if:
 - (a) a permit has been issued by the City allowing such activity;
 - (b) the activity takes place in an area designated by the City for such activity;
 - (c) the activity is permitted by signage;
 - (d) another bylaw of the City specifically permits the activity on Parkland or an area of Parkland; or
 - (e) the Person is an employee or authorized agent of the City or a School Board acting within the scope of their functions, duties or powers.
- (2) No Person shall contravene any term or condition of a Permit issued pursuant to this Bylaw.
- (3) No Person shall interfere with the use and enjoyment of Persons holding a valid and subsisting Permit during the times and in the areas for which the Permit is granted.
- (4) Any Person who relies on a Permit as permitting an activity otherwise regulated, restricted or prohibited by this Bylaw has the onus of proving that they were the holder of a valid and subsisting Permit.

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PARKLAND ACCESS

5. (1) No Person shall enter or be on Parkland:
 - (a) between the hours of 11 p.m. and 5 a.m.; or
 - (b) at any time when an area of Parkland is closed.
- (2) The City Manager may temporarily close an area of Parkland to public use and where so ordered a sign shall be posted to that effect.
- (3) No Person shall be in violation of this Section if he or she is:
 - (a) attending a function or event approved by the City Manager; or
 - (b) using a Highway, Roadway, Sidewalk or Multiway as a thoroughfare to access a location outside of Parkland, but not otherwise.
- (4) In addition to any other penalty that may be imposed, any Person contravening this Section may be directed by a Bylaw Enforcement Officer to leave the Parkland and any person so directed shall:
 - (a) do so forthwith; and
 - (b) not return to the Parkland before it opens for public use.

WASTE

6. While on Parkland, no Person shall:
 - (a) discard garbage, litter or refuse of any kind except in receptacles provided for that purpose;
 - (b) urinate or defecate except in a facility provided for that purpose; or
 - (c) deposit grass clippings, dirt, rubble, chemicals or pesticides.

VEGETATION

7. While on Parkland, no Person shall:
 - (a) destroy, remove, otherwise interfere with or use for a purpose not intended, any Vegetation;
 - (b) plant any Vegetation;
 - (c) walk, cross, ride or otherwise traverse any Vegetation where such conduct is prohibited by posted signs; or

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(d) dig, disturb or remove any soil, sand, rock or gravel.

STRUCTURES

8. While on Parkland, no Person shall:

- (a) set up any form of temporary abode or otherwise camp except in a designated Campground;
- (b) erect or build a structure of any kind, whether temporary or permanent; or
- (c) mark, deface, remove, destroy, climb or otherwise interfere with any sign, fence, building, wall, bench, exhibit or any other property that the City has erected or caused to be erected.

DANGEROUS ACTIVITIES

9. While on Parkland, no Person shall:

- (a) discharge, ignite or fire any fireworks or explosives of any type;
- (b) cast, throw or otherwise launch any stones, lawn darts, missiles, model rockets, or dangerous objects;
- (c) propel a golf ball in any manner;
- (d) operate any radio or remote-controlled device, including but not limited to boats, planes, helicopters or cars; or
- (e) tether, land, launch or operate a hot air balloon, hang-glider, ultra-light or other similar air craft.

FIRE PREVENTION

10. While on Parkland, no Person shall:

- (a) start or allow a fire to burn except in a fire pit provided by the City for that purpose or in a Portable Appliance and then only at such locations as designated by the City Manager;
- (b) fuel a fire with anything other than seasoned wood, charcoal, natural gas or propane;
- (c) leave a fire burning unattended;
- (d) allow a fire to burn after 10 p.m.;

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- (e) leave a fire without completely extinguishing any flame and ensuring the embers are cold; or
- (f) dispose of any coals or embers except in a receptacle provided by the City for this purpose.

ANIMALS

11. (1) While on Parkland, no Person shall:
- (a) allow any Animal under their control, or for which they are responsible, to be on Parkland; or
 - (b) tease, disturb, molest, trap, injure or kill any Animal.
- (2) Notwithstanding subsection (1) a Person may have a Dog or Cat on Parkland subject, at all times, to the provisions of the *Animal Licensing and Control Bylaw*

MULTIWAY

12. (1) Every Person using the Multiway shall:
- (a) keep to the right and yield the right of way to slower moving People;
 - (b) alert anyone about to be overtaken and pass on the left using reasonable care;
 - (c) exercise due care and attention to avoid a collision, particularly when entering or exiting the Multiway onto a Roadway or approaching a blind spot, hill or corner;
 - (d) move off the Multiway when stopped.
- (2) No Person using a Multiway shall travel at a rate of speed that is unreasonable having regard to all the circumstances, including but not limited to:
- (a) any conditions, including weather, that may affect visibility or one's ability to stop; and
 - (b) the volume and type of traffic on the Multiway.

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VEHICLES

13. No Person shall:

- (a) operate a Motor Vehicle on Parkland except on a Roadway;
- (b) park a Motor Vehicle on Parkland except in a designated parking area;
- (c) leave a Motor Vehicle on Parkland between 11 p.m. and 5 a.m. the next morning; or
- (d) operate an Off-Highway Vehicle.

BODIES OF WATER

14. While on Parkland, no Person shall:

- (a) operate any motorized watercraft upon any Storm Water Pond, lake or similar body of water; or
- (b) bathe, wade or swim in any Storm Water Pond, lake or similar body of water.

OFFENCES AND PENALTIES

- 15.(1) Any Person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in Schedule "A", and not exceeding \$10,000.00.
- (2) The specified fine for an offence committed pursuant to this Bylaw is as set out in Schedule "A".
- (3) Nothing in this Bylaw shall be construed as curtailing or abridging the right of the City to obtain compensation or maintain an action for loss of or damage to property from or against the Person or Persons responsible.

VIOLATION TAG

- 16.(1) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

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- (2) A Violation Tag may be issued to such Person:
 - (a) either personally; or
 - (b) by mailing a copy to such Person at his or her last known post office address.
- (3) The Violation Tag shall be in a form approved by the City Manager and shall state:
 - (a) the name of the Person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - (e) any other information as may be required by the City.
- (4) Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified within the time period indicated on the Violation Tag.

VIOLATION TICKET

17. (1) In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.
- (2) Notwithstanding subsection (1), a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act* to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- (3) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (a) specify the fine amount as set out in Schedule "A"; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.

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(4)Where a Violation Ticket has been issued to a person pursuant to this Bylaw, and the Violation Ticket specifies the fine amount established in Schedule "A", the person may plead guilty and make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

INTERFERENCE

18. No Person shall interfere with a Bylaw Enforcement Officer in the exercise of their powers and duties pursuant to this Bylaw.

CITY MANAGER

19. Without restricting any other power, duty or function granted by this Bylaw, the City Manger may:

- (a) carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
- (b) delegate any powers, duties or functions under this Bylaw to an employee of the City;
- (c) establish forms for the purposes of this Bylaw;
- (d) establish areas where activities restricted by this Bylaw are permitted;
- (e) establish rules of conduct governing any area of Parkland;
- (f) establish the criteria to be met before a Permit will be issued;
- (g) issue Permits with such terms and conditions as are deemed appropriate;
- (h) amend, vary or revoke a Permit at any time.

SEVERABILITY

20. Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

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ENACTMENT

21. This Bylaw shall come into force upon third and final reading.

READ A FIRST TIME IN COUNCIL THIS 10th DAY OF September , A.D. 2007.

READ A SECOND TIME IN COUNCIL THIS 24th DAY OF September, A.D. 2007.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 24th DAY OF September, A.D. 2007.

Original Signed

Greg Krischke

MAYOR

Original Signed

Laura Knoblock

CITY CLERK

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**SCHEDULE "A"
Penalties**

The specified penalty for a first offence is \$100.00 for any offence for which a fine is not otherwise established herein. The specified penalty for a second or subsequent offence within 12 months is double the fine.

SECTION	PARTICULARS	FIRST OFFENCE
4	(2) Contravene terms of Permit	\$250
	(3) Interfere with Permit user	\$200
7	(a) Destroy vegetation	\$250
8	(C) Interfere with City property	\$250
9	(a) Discharge fireworks	\$200
	(e) Unauthorized aircraft	\$200
10	Fires on Parkland	\$200
13	(a) Drive on Parkland	\$200
	(d) Operate Off-Highway Vehicle	\$200
18	Obstruct Bylaw Enforcement Officer	\$250