

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 1252-13

BEING A BYLAW TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE SMOKY LAKE COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF CONTROL AND OPERATION OF COUNTY PARKS.

WHEREAS, Pursuant to the *Municipal Government Act*, Chapter M-26, Council may pass a Bylaw for people, activities, and things in, on, or near a public place or place that is open to the public.

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

1. This Bylaw may be sited as **“The Parks Control Bylaw”**.

2. **DEFINITIONS:**

2.1 **“County Park”** is that part of the Smoky Lake County used by the public for recreational purposes.

2.2 **“Peace Officer”** is a member of the Royal Canadian Mounted Police, a Fish & Wildlife Officer or Community Peace Officer, Parks and Recreation Manager, designated employee or Chief Administrative Officer of Smoky Lake County.

2.3 **“Animal”** means a domestic animal and includes an animal that is wild by nature but has been domesticated.

2.4 **“Camping Accommodation Unit”** means:

- Tent.
- Trailer.
- Tent Trailer.
- Motor home.
- Van or Truck camper.

Used by a person as shelter equipment while camping.

2.5 **“Highway”** means highway as defined in the *Traffic Safety Act*.

2.6 **“Individual Campsite”** means a campsite in a County Park designated as an individual campsite under this Bylaw.

2.7 **“Motor Vehicle”** means a motor vehicle as defined in the *Traffic Safety Act*.

2.8 **“Off-Highway Vehicle”** means an off-highway vehicle as defined in the *Off-Highway Vehicle Act*.

2.9 **“Parks and Recreation Manager”** means a person appointed by Council or the Chief Administrative Officer.

2.10 **“Nuisance”** means drunkenness; use of obscene, offensive or insulting language; fighting or disorderly conduct; disruptive partying; excessively loud music; something or someone being disruptively noisy.

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- 2.11 **“Quiet Time”** means that time between 11:00 p.m. (23:00 hours) and 7:00 a.m. (7:00 hours) when the park shall be free of any excessive noises that would disrupt people sleeping.

3. **GENERAL:**

- 3.1 A person who enters a County Park shall comply with:
- 3.1.1 Any lawful orders and instruction made or issued pursuant to this or any other relevant County Bylaws, and
- 3.1.2 The instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.
- 3.1.3 Any and all Provincial and Federal Statutes and Regulations.
- 3.2 Council may
- 3.2.1 Subject to the *Traffic Safety Act*, and *Municipal Government Act*, control and prohibit the movement of vehicular, pedestrian and other traffic by means of signs and notices designated and erected by them, and
- 3.2.2 Designate and erect other signs and notices governing and prohibiting activities that are provided for in the *Municipal Government Act* or this Bylaw.
- 3.3 A person using a County Park shall keep the land and improvements in a condition satisfactory to the Parks and Recreation Manager.
- 3.4 A person vacating the County Park shall restore the land as nearly as possible to a clean and tidy condition.
- 3.5 If, in the opinion of a Peace Officer, a nuisance exists on any site which is the subject of a permit, the Peace Officer may order the person causing the nuisance to abate or discontinue the nuisance.
- 3.6 Where a person fails to comply with an order made pursuant to subsection 3.5, the Peace Officer may take action in regards to the nuisance, and the cost of doing so is recoverable from the person as a debt.

4. **PROHIBITIONS:**

- 4.1 No person shall interfere with the right of others to be quiet and have peaceful enjoyment of a County Park. **Quiet Time is Designated to be 11:00 p.m. (23:00 hours) to 7:00 a.m. (7:00 hours) of the following morning.**
- 4.2 No person who has been removed from a County Park pursuant to Section 9 of the Bylaw shall within the following 72-Hour period, enter or attempt to re-enter that County Park.
- 4.3 No person shall remove, deface damage or destroy any signboard, sign, or notice posted or placed in a County Park under the authority of this Bylaw.
- 4.4 Pouring waste water on open ground or in sump holes dug beneath trailers is prohibited. Waste, Wastewater and Sewage must be disposed at a credited Waste Disposal Station.

5. **ANIMALS:**

5.1 No person having the custody or control of an animal shall bring the animal into a County Park or allow the animal to enter or remain in a County Park unless it is in a cage or is restricted by a leash, chain or other device that is not greater than 2 meters long.

5.1.1 Excepting handicap assistance animals.

5.2 No person having custody or control of an animal shall bring the animal into or allow the animal to enter or remain in or on any area in a County Park that is

5.2.1 a designated swimming area.

5.2.2 a beach area adjacent to a designated swimming area.

5.2.3 a public washroom, change house, concession, picnic shelter or other public building or structure, or

5.2.4 an area where signs are posted prohibiting animals.

5.3 A Parks and Recreation Manager may refuse to admit to a County Park, or require to be removed from a County Park any animal if he considers it is not under the control or may be a nuisance or a danger to the life, safety, health, property, or comfort or any person in the County Park.

6. **FIRES:**

6.1 No person shall set, light, or maintain a fire in a County Park except in a fireplace, pit or other facility designed 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 a stove, fire pit or other place provided for that purpose.

6.4 A person who lights a fire shall extinguish all fires, hot coals and smoldering materials before leaving them.

7. **VEHICLES:**

7.1 No person shall, within a County Park operate or ride an off-highway vehicle or any other such specialized means of conveyance, whether motor driven or propelled by human power, except

7.1.1 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.

7.1.2 on a place or way which the public is ordinarily entitled or permitted to use for the passage of such conveyances.

7.1.3 Subsection 7.1 does not apply to bicycles and handicap conveyances.

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- 7.2 No person shall park or leave a motor vehicle, boat, trailer or camping accommodation unit to be parked or left in a County Park other than in parking areas designated for that purpose by the Park and Recreation Manager or County Council.
- 7.3 A Parks and Recreation Manager and/or Peace Officer may prohibit the entry of a vehicle into any County Park.
- 7.4 In this Section “Abandoned” means
- 7.4.1 left standing at a location for more than 72 consecutive hours other than pursuant to
- 7.4.1.1 a license, permit or other similar authorization, or
- 7.4.1.2 prior authorization of a Parks and Recreation Manager.
- 7.4.2 If a motor vehicle, off-highway vehicle, aircraft, boat trailer, equipment, appliance article or object
- 7.4.2.1 is abandoned.
- 7.4.2.2 remains in an area after the authorization to be in that area expires, or
- 7.4.2.3 is located in a prohibited area.
- a Peace Officer may move the item or cause it to be moved to a location determined by him and store it or cause it to be stored or order the owner, operator or person in charge of the item to move the item to a location determined by the Peace Officer and within a period of time determined by him.
- 7.4.3 Where the owner, operator, or person in charge of the item fails to comply with the order of a Peace Officer under Subsection (2), the Peace Officer may move and store the item or cause it to be moved and stored.
- 7.4.4 Where a Peace Officer moves or stores an item or causes it to be moved or stored under this section, the cost of doing so
- 7.4.4.1 is the responsibility of the owner of the item.
- 7.4.4.2 constitutes a lien on the item.
- 7.4.4.3 may be recovered from the owner in an action for debt, and
- 7.4.4.4 must be paid before the item is released to the owner, operator, or person in charge of it.
- 7.4.5 Stored property pursuant to the foregoing, remaining unclaimed within 6 months of the date it was stored, shall be considered abandoned by the owner and may be disposed of as the County Council deems appropriate.

8. CAMPING:

- 8.1 All persons entering a County Park shall register when required to do so by a sign or notice at or near the entrance to the County Park. A charge of **Twenty Dollars (\$20.00)** per night per individual camping accommodation unit will be levied.

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- 8.1.1 A charge of **fifty dollars (\$50.00)** per night for a group kitchen facility.
- 8.2 The Parks and Recreation Manager may provide for and designate areas within the County Parks for camping and day use purposes.
- 8.3 Permits may be issued on a first-come, first-serve basis.
- 8.4 No person shall camp overnight in a County Park
 - 8.4.1 except in an area designated for that purpose, unless it is otherwise authorized by the Parks and Recreation Manager.
 - 8.4.2 Unless he has a valid permit under this Bylaw to do so.
- 8.5 No person shall alter a camping permit.
- 8.6 No person shall transfer a camping permit to another person.
- 8.7 The holder of a camping permit shall keep it available for inspection at any time and shall produce it for inspection on the request of a Parks and Recreation Manager and/or Peace Officer.
- 8.8 Campsite(s):
 - 8.8.1 Where a campground within a County Park is developed for individual campsites, only the following vehicles and camping accommodation units are permitted to be kept in the campsite unless a Parks and Recreation Manager gives written permission to the contrary.
 - 8.8.1.1 One motor vehicle, whether or not it is a camping accommodation unit.
 - 8.8.1.2 In addition to the motor vehicle referred to in clause (a), one camping accommodation unit of any kind, including a camping accommodation unit that is a motor vehicle.
 - 8.8.1.3 In addition to the motor vehicle referred to in clause (a) and the camping accommodation unit referred to in clause (b), one tent.
 - 8.8.2 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 1.
 - 8.8.3 No person who is visiting a person camped in an individual campsite, shall park his/her vehicle on the campsite
 - 8.8.3.1 after 11:00 P.M., or
 - 8.8.3.2 in manner or at a location that impedes traffic.
- 8.9 Not more than **8 persons** may occupy an individual campsite unless they are all members of a single family unit. Two family units of not more than a total of eight people may occupy an individual campsite.
- 8.10 No person shall camp for more than **16 consecutive days** in the same campground in a County Park without the written permission of a Parks and Recreation Manager.

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8.10.1 For the purpose of the subsection (8.10) a period of at least 24 hours must elapse after a person checks out of a campsite after the expiration of a 16-day period before he may again camp in that campground.

9. ENFORCMENT:

9.1 A Parks and Recreation Manager or Peace Officer may cancel a camping permit without prior notice to the permittee if the permit contravenes this Bylaw and the permittee shall vacate the campsite within 1 hour from having been requested to do so.

9.2 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.

10. POWERS OF A PEACE OFFICER:

10.1 For the purpose of administrating this Bylaw, a Peace Officer may

10.1.1 Enter on and inspect any land, road, highway, structure or work in a County Park.

10.1.2 Order any person in a County 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 park or recreation area by other persons

10.1.3 Remove from the County Park

10.1.3.1 any person making an unauthorized use of the park

10.1.3.2 any person failing to comply with any provisions of this Bylaw, or

10.1.3.3 any person creating a nuisance or disturbance or committing a trespass or any undesirable act.

10.2 If a motor vehicle, off-highway vehicle, aircraft, boat, trailer, equipment, appliance, article or object

10.2.1 is abandoned,

10.2.2 remains in an are after the authorization to be in that area has expired, or

10.2.3 is located in a prohibited area, a Peace Officer may remove, store or dispose of that item in accordance with Bylaw Section 7.4

11. SUMMONS:

11.1 Upon receipt of a complaint or observation of a violation of this Bylaw, a Peace Officer may issue a summons.

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- 11.2 Any persons who is issued a summons for contravention of this Bylaw shall immediately comply with the provision of this Bylaw to avoid prosecution for a second offense. If the offense continues, or is allowed to continue, a second summons may be issued.

12. PENALTIES:

- 12.1 A person who contravenes any provision of this Bylaw either by doing something which he is required to do is guilty of an offense and is liable on summary conviction to a fine of not less than **\$50.00** nor in excess of \$200.00 for the first offense, or not less than **\$100.00** nor in excess of \$2500.00 for the second offense, or in default of payment of fine and cost to imprisonment.

This Bylaw rescinds Bylaws:

- ➔ **Bylaw 774-87**
- ➔ **Bylaw 912-92**
- ➔ **Bylaw 955-94**
- ➔ **Bylaw 1096-02**
- ➔ **Bylaw 1208-10**

READ a First Time this 31st day of January, AD 2013.

READ a Second Time this 31st day of January, AD 2013.

READ a Third and Final Time this 31st day of January, AD 2013 and finally passed by Council.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER