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**BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL OF AND TO REGULATE THE USE OF PARKS AND CAMPGROUNDS**

**WHEREAS** under the provisions of the *Municipal Government Act*, c. M.26, RSA 2000, as amended, provides that Council may pass a Bylaw for the purposes of safety, health and welfare of people and the protection of people and property; and

**WHEREAS** the Town of Westlock Parks and Campgrounds are valued assets and protecting their value is high priority to ensure that they remain safe and accessible:

**NOW THEREFORE** the Council of the Town of Westlock, in the Province of Alberta, enacts as follows:

**SECTION 1.0: TITLE AND DEFINITIONS**

**Bylaw Title**

- 1.1 This Bylaw may be cited as the "Parks Bylaw."
- 1.2 This Bylaw shall apply to all Parks and Campgrounds in the Town.

**Definitions**

- 1.3 **ANIMAL** – mammal, bird, amphibian, or reptile.
- 1.4 **BICYCLE** – means a cycle propelled by human power only, on which a Person can ride regardless of the number of wheels it has and as defined in the *Use of Highway and Rules of the Road Regulations*, AR 304/2002:
- 1.5 **CAMPING ACCOMMODATION UNIT** means:
  - (a) a tent;
  - (b) a camper trailer;
  - (c) a 5<sup>th</sup> wheel camper trailer;
  - (d) a tent trailer;
  - (e) a motor home;
  - (f) a van; or
  - (g) a truck camper.
- 1.6 **CAO** - the Chief Administrative Officer or their designate.
- 1.7 **COUNCIL** – the Municipal Council of the Town of Westlock.
- 1.8 **CAMPGROUND** – a Park or a portion of a Park that has been designated by the Town where overnight camping is permitted.



- 1.9 FIREARM** – any device that propels a projectile by means of explosion, spring, air, gas, string, wire, or elastic material or any combination of those things including, but not limited to, a rifle, shotgun, pistol, handgun, target pistol, air rifle, pellet gun, hunting bow, cross bow, sling shot, and paint ball gun.
- 1.10 HIGHWAY/ROADWAY** – has the same meaning as defined in the Alberta *Traffic Safety Act*, RSA 2000, and all amendments thereto.
- 1.11 LIVESTOCK** – means horses, cattle, sheep, swine, donkeys, goats, rabbits, and fur bearing animals raised in captivity.
- 1.12 MUNICIPAL TAG** – a tag whereby the person alleged to have committed a breach of a provision of this bylaw is given the opportunity to pay a voluntary penalty to the Town in lieu of prosecution for an offence.
- 1.13 PARK** – a public space controlled by the Town and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes:
- (a) playgrounds.
  - (b) cemeteries.
  - (c) natural areas.
  - (d) sports fields.
  - (e) pathways.
  - (f) trails; and
  - (g) park roadways,
- but does not include golf courses.
- 1.14 PARK VEGETATION** – any fungus, plant or part thereof which grows in a Park.
- 1.15 PEACE OFFICER** – shall have the same definition as contained in the *Provincial Offences Procedure Act*, RSA 2000, and all amendments thereto.
- 1.16 PERMIT** – the written permission of the CAO to do something in or on a Park.
- 1.17 PERMIT HOLDER** – the Person named on the Permit.
- 1.18 PERSON** – an individual, group of individuals, partnership, corporation, or association.
- 1.19 PORTABLE APPLIANCE** – any appliance sold or constructed for the purpose of cooking food in the out-of-doors.



**1.20 TOWN** – the Town of Westlock.

**1.21 TRAIL and/or PATHWAY** – means a multi-purpose path whether improved or unimproved for use by pedestrians and non-motorized conveyances, except motorized wheelchairs and mobility aid devices but does not include sidewalks.

**1.22 VEHICLE** – a device in, upon, or by which a person or thing may be transported or drawn upon a Highway, as defined by the *Traffic Safety Act*, the *Off-Highway Vehicle Regulation*, and the Town of Westlock *Traffic Bylaw*.

**1.23 VIOLATION TICKET** – shall have the same definition as contained in the *Provincial Offences Procedure Act*, RSA 2000, and all amendments thereto.

**1.24 WASTE** – articles including, but not limited to, the following: solid wastes, loose litter, food waste, wastepaper, cardboard, food containers, human waste, animal feces, or garbage bags.

**1.25 WHEELED CONVEYANCE** – roller-skates, in-line-skates, roller skis, skateboards, scooters, motorized 3-4 wheeled scooters designed for Persons requiring mobility assistance, motorized wheelchairs, or other similar devices but excludes Bicycles, Vehicles, or any other motorized scooters or motorized skateboards.

**NUMBER and GENDER REFERENCES** – All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

**SECTION 2.0: PROVISIONS AND INFRACTIONS**

**2.1.** Persons using any Park(s) do so at their own risk.

**2.2. ANIMALS**

**2.2.1** No person shall feed, harass, trap, injure, kill, or throw any substance or article at, or near, such Animal in any way to cause them alarm, or possible injury. Persons are also subject to the provisions and penalties contained in the Town *Dog Control Bylaw*.

**2.2.2** Park employee or Peace Officer may refuse to admit to a Park or require to be removed from a Park any Animal if they consider it is not under control or may be a nuisance or damage to the life, safety, health, property, or comfort of any Person in the Park.

**2.2.3** No Person having the custody or control of an Animal shall bring the Animal into a Park or allow the Animal into the Park unless it is in a cage or is restrained by a leash, chain, or other device that is not greater than two meters in length.

**2.2.4** Dogs may be off leash only in areas designated (located at 101 Avenue and 108 Street).

**2.2.5** No Person shall bring livestock into a Park unless prior written approval has been obtained.

**2.3. CAMPING**

**Designated Campground Mountie Park located at 96<sup>th</sup> Avenue and 100<sup>th</sup> Street**

**2.3.1** No person shall set up a tent, take temporary abode, or otherwise camp in a Park except in designated Campgrounds.

**2.3.2** All campsites shall be reserved and paid for through the campsite reservation system. Persons reserving a site must be 18 years of age at the time of booking.

**2.3.3** A camping Permit shall be deemed to have been issued upon payment of the daily rate charge.

**2.3.4** No Person shall alter a camping Permit.

**2.3.5** No Person shall transfer a camping Permit to another person.

**2.3.6** The Permit Holder shall keep the Permit available for inspection at any time or shall produce it for inspection on the request of Park employees or Peace Officer.

**2.3.7** Only one Camping Accommodation Unit is allowed per camp site.

**2.3.8** Campsites must be kept neat and tidy at all times.

**2.3.9** Quiet hours are in effect daily from 11:00 p.m. to 7:00 a.m.

**2.3.10** Consumption of alcohol must be contained within the individual campsite and must not be taken off the camp site.

**2.3.11** No washing of dishes is permitted in the shower/washrooms.

**2.3.12** On expiry or cancellation of a camping Permit, the Permit Holder shall evacuate the camp site and remove all shelter equipment and other property and ensure the site is left in a clean and orderly manner.

**2.3.13** The CAO, or designate, may use his discretion to refuse admittance or cancel a camping Permit to any Person(s) and request the Person(s) to leave the campground when an infraction of the bylaw has occurred.



**2.4. FIRE**

**2.4.1** No person shall ignite or allow a fire to burn in a Park except in a fire pit or other receptacle intended for such use.

**2.4.2** Where the CAO is of the opinion that a fire hazard exists in a park, they may, by erecting signs and notices for the purposes, prohibit the setting, lighting, or maintaining of fires in all or part of the park.

**2.4.3** No Person in a Park shall:

- (a) allow a fire to get out of control,
- (b) leave a fire unattended,
- (c) allow a fire to burn after 11:00 p.m.,
- (d) start or tend to any fires in contravention of the *Town Fire Bylaws*, or
- (e) discharge, ignite, or fire any fireworks, explosive devices, or Firearms.

**2.4.4** No Person in a Park shall burn or allow to burn:

- (a) treated lumber,
- (b) leaves or other dead fall from trees from within a Park,
- (c) vegetation, trees, or parts thereof, from within a Park, whether dead or alive,
- (d) tire(s) or rubber,
- (e) plastics or any other similar thing which may emit a noxious smell when burned, and
- (f) waste.

**2.4.5** Every Person who has a fire in a Park must ensure that such fire is extinguished completely, leaving only cold ashes, prior to leaving the site of the fire.

**2.4.6** No person shall deposit or dispose of hot coals, ashes, embers or any other burning or smoldering material in a place other than in a fire pit or other receptacle intended for such use and provided by the Town.

**2.5. GENERAL CONDUCT**

**2.5.1** No Person shall in any way obstruct the reasonable enjoyment and use of a Park by any other Person as defined in the Public Behaviour section of the *Town of Westlock Community Standards Bylaw*.

**2.5.2** No Person while in a Park shall:

- (a) swing a golf club,
- (b) propel a golf ball or plastic golf ball in any manner,
- (c) engage in any form of archery,
- (d) discharge a Firearm,
- (e) play lawn darts or horseshoes except in designated area

- (f) ride downhill on a toboggan, sleigh, carpet or other sliding device, except in an area designated for that purpose.

**2.5.3** No Person shall camp or otherwise take up temporary overnight residence in any Vehicle, camper, trailer, tent, motorhome, or other recreational vehicle in a Park or on a Highway adjacent to a Park.

**2.5.4** No person shall damage, deface, destroy, remove, or otherwise interfere with the following in a Park: a structure, fence, building, wall, bench, exhibit, fixture, improvement, sign, vegetation, sand, soil, gravel, wood, or any other property located in a Park or Highway.

**2.5.5** No Person shall climb on or over fences located in or at the edges of a Park.

**2.5.6** No Person shall dig, excavate or conduct any construction or building operations within a Park unless prior written approval has been obtained from the CAO.

**2.5.7** No Person shall consume alcoholic beverages in a Park unless the necessary written approvals have been obtained from the CAO and from Alberta Liquor and Gaming, and then only at such locations within a Park as designated by the Town.

**2.5.8** No Person in a Park shall:

- (a) plant, grow, place, or modify any plant, flower, or other Park vegetation,
- (b) cut, irrigate, spray, or apply any substance, including pesticides and fertilizers, to any grass or other Park vegetation, or otherwise disturb or damage the Park vegetation,
- (c) leave, place, store, deposit, or hoard anything, or
- (d) build, erect, or create a jump or ramp.

**2.5.9** No Person shall drain or redirect any water from a private parcel of land onto or into a Park.

## **2.6. HOURS**

**2.6.1** All Parks shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m. except where otherwise designated by the CAO.

**2.6.2** No Person shall enter or remain in a Park or an area of a Park when it is closed to the public.

**2.6.3** No person will be in violation of this Section if they are attending a function or event approved by the CAO and/or are complying with a permit that may be issued for an event, function, or use of a Park.

**2.7. LOITERING**

**2.7.1** No Person shall unnecessarily loiter in a Park so as to disturb the comfort, repose, and enjoyment of other Persons using the Park.

**2.8. OUTDOOR ICE RINK located at 10503 – 105 Avenue**

**2.8.1** No Person under and including the age of eight (8) years of age shall be permitted to use the outdoor rink unless supervision by someone fourteen (14) years of age or older is provided.

**2.8.2** Patrons of the Outdoor Ice Rink use it at their own risk.

**2.9. SALE OF GOODS AND SERVICES**

**2.9.1** No Person(s) in a Park shall:

- (a) make available, offer, or give away free goods or services,
- (b) make available for sale goods or services,
- (c) carry on business of any kind or nature whatsoever or solicit for any business, trade or occupation,
- (d) place a sign or device of any kind of advertising or publicizing any commercial venture or facility, and
- (e) place or leave any goods or merchandise in order to display the same for sale anywhere in a Park unless prior written approval has been obtained from the CAO and the prescribed permits and licenses have been obtained.

**2.10. SIGNS**

**2.10.1** No Person shall disobey a sign or notice that is erected for the purpose of governing the use of the Park.

**2.10.2** No Person shall distribute any hand bills, pamphlets, or circulars, nor post, paint, or affix any placard, sign, billboard, notice, advertisement, bill, poster, picture, publicity matter, or item in or on any Park or tree, structure, or object in a Park, or publicize anything in a Park by any means without the prior written approval of the CAO.

**2.10.3** No Person shall disobey a flagger or Town Employee who is directing traffic within a Park.

**2.11. SKATEBOARDS**

**Designated Skateboard Park located at 104 Avenue and 107 Street**

**2.11.1** Every user of the Skateboard Park shall wear a helmet.

**2.11.2** No Person under and including the age of ten (10) years of age shall be permitted to use the Skateboard Park unless supervised by an adult, someone who is 18 years of age or older.

**2.11.3** The designated Skateboard Park is an unsupervised facility and patrons use it at their own risk.

**2.12. TRAIL SYSTEM**

**2.12.1** No Person using a trail shall travel at an unreasonable rate of speed.

**2.12.2** When entering a trail all Persons shall yield the right of way to users already on the trail.

**2.12.3** A Person using a trail shall:

- (a) exercise due care and attention to avoid colliding with any other user,
- (b) exercise reasonable consideration for any other user,
- (c) give an audible signal by voice, bell, or other signaling device before overtaking another user, and
- (d) ensure they are visible to other users.

**2.12.4** No Person using a trail shall pass or attempt to pass another Person travelling in the same direction when it is unsafe to do so.

**2.13. BICYCLE OR WHEELED CONVEYANCE**

**2.13.1** No Person using a trail shall operate a Bicycle or Wheeled Conveyance in a manner that is unsafe.

**2.13.2** No Person shall operate a Bicycle or Wheeled Conveyance:

- (a) in any Park or area prohibited by sign, or
- (b) so that it damages or disturbs vegetation.

**2.13.3** No Person riding a Bicycle or Wheeled Conveyance on a trail or Park shall use the Bicycle or Wheeled Conveyance to carry more Persons than the number for which it is designed and equipped.

**2.13.4** No Person operating or riding as a passenger on a Bicycle or Wheeled Conveyance on a trail shall:

- (a) hold onto, or
- (b) be attached to

any other Bicycle or Wheeled Conveyance or Vehicle unless that Person is riding in a child or animal trailer designed for such use.





**2.14. VEHICLES**

**2.14.1** No Person shall operate or park a Vehicle in a Park except on a roadway allowed for such use or in an area of a Park designated for that purpose.

**2.14.2** No Person shall leave a Vehicle in a Park between 11:00 p.m. and 6:00 a.m.

**2.15. WASTE**

**2.15.1** In a Park, no Person shall:

- (a) leave or dispose of Waste except in a receptacle provided for the purpose of collecting such Waste,
- (b) foul, pollute, or deposit any foreign matter or thing in or on any fountain, lake, pond, pool, or water in or on any Park,
- (c) throw, drop, or deposit or cause to be deposited any snow, leaves, grass clippings, sand, gravel, earth, dirt, or other materials in a Park, and
- (d) leave or dispose of Waste that is burning.

**2.15.2** No Person, operator, or owner of a vehicle shall deposit, allow, or cause to be deposited any fluid, liquid waste, or sewage onto the ground in any Park or on any roadway adjacent to a Park.

**2.15.3** No Person shall urinate or defecate in a Park except in a public washroom or portable facility provided for that purpose.

**2.16. WATER**

**2.16.1** No Person shall enter, wade, swim or skate in or upon any body of water located in or flowing through a Park, or venture onto the ice surface of any frozen body of water in a Park, unless designated or posted otherwise by the Town.

**2.16.2** No Person shall:

- (a) operate a boat, or similar craft, upon any body of water in a Park,
- (b) use as an entrance or access point for any boat, or similar craft, to any water body lying in whole or in part in the Town,
- (c) operate a boat, or similar craft, upon any storm water pond or water reservoir, and
- (d) wade or swim in any storm water pond, an area designated to temporarily store excess flow in a drainage system, or water reservoir, an area designated to store water.

**2.16.3** This section does not apply to the use of a boat, or similar craft, by emergency services personnel.



**SECTION 3.0: PERMITS**

- 3.1 The CAO may grant Permits allowing any activity within a Park which is otherwise prohibited by the Bylaw.
- 3.2 A Permit is not valid unless it is in writing and signed by the CAO.
- 3.3 The CAO may place any conditions that the CAO considers reasonable on any Permit.
- 3.4 A Permit is valid only for the period of time it is granted.
- 3.5 The CAO may amend, vary, or revoke a Permit at any time.
- 3.6 A Permit holder shall make the Permit available for review and inspection at all times when exercising the rights granted on the Permit and shall produce the Permit upon the demand of a Peace Officer.
- 3.7 Any Person who relies on a Permit has the onus of proving that they were the holder of a valid and subsisting Permit.
- 3.8 No Person shall interfere with the use and enjoyment of Persons holding a valid and subsisting Permit for the exclusive use of a Park or portion of Park, during the times and in the areas for which the Permit is granted.

**SECTION 4.0: EXEMPTIONS**

**4.1 EMPLOYEES, SERVANTS, AND AGENTS**

The employees, servants, and agents of the Town, while acting in the course of their employment and duties, are exempt from the provisions of this bylaw.

**SECTION 5.0: OFFENCE AND PENALTY**

**5.1 OFFENCE AND PENALTY**

No person shall contravene or fail to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine or not less than \$250.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both.

Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw is the immediately adjacent amounts shown in Column 1 and Column 2 of Schedule A.

Notwithstanding the foregoing, the fine amounts set out in Schedule A of this Bylaw are established as specified penalties for use on Municipal Tags and Violation Tickets.

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A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A person guilty of such offence is liable to a fine in an amount not less than that established by this Bylaw for each such day. No proceedings may be instituted under this Bylaw more than two (2) years after the last occurrence of the alleged offence.

Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within twenty-four (24) months shall be double the minimum fine and specified penalty of the previous offence, up to a maximum penalty of \$10,000.00

## 5.2 VICARIOUS LIABILITY

In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.

In this Bylaw, the operator and the owner(s) of any vehicle are each severally liable and each guilty of the offence if either of them contravenes or fails to comply with this Bylaw in relation to any such vehicle. In this section, "owner" has the same definition as is used in the *Traffic Safety Act*, RSA 2000, c T-6, and all amendments thereto.

## 5.3 INSPECTING AND REMEDYING CONTRAVENTIONS

On behalf of the Town of Westlock, any Peace Officer, employee, or agent of the Town may enter upon any parcel of land within the Town and take any actions or measures deemed necessary by such person(s) to achieve any of the following purposes:

- (a) to carry out any inspections to determine compliance with this Bylaw;
- (b) to eliminate any danger to public safety, health, welfare, and property;
- (c) to extinguish fires;
- (d) to enforce this Bylaw; or
- (e) to prevent a re-occurrence of any contravention of this Bylaw.

No person shall obstruct or hinder any other person in the exercise or performance of that person's powers pursuant to this Bylaw.



**5.4 MUNICIPAL TAGS**

Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Municipal tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw.

A Municipal Tag may be issued to any Person either:

- (a) personally.
- (b) by placing a copy of the Municipal Tag upon a vehicle registered to such person; or
- (c) by mailing a copy to such Person by registered or ordinary mail to their last known mailing address.

A Municipal Tag shall be in a form approved by the Town and shall include:

- (a) the name of the Person.
- (b) the date upon which the offence was committed.
- (c) the section numbers(s) of this Bylaw which were contravened.
- (d) the appropriate specified penalty or minimum fine for the offence as prescribed by this Bylaw; and
- (e) the time within which the entire penalty must be paid to the Town.

If payment is received by the Town within the period permitted by any such Municipal Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.

Except where a Municipal Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSC 1985, and all amendments thereto, at any time within 2 years of the last occurrence of the offence, regardless of whether or not a Violation Tag has been issued.

Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, RSA 2000, and all amendments and regulations thereto.

Any fine or penalty imposed upon conviction for any offence occurring within the Town ensures to the benefit of the Town.



**SECTION 6.0: AMENDMENTS**

6.1 The Council of the Town of Westlock may, by bylaw of Council, alter, amend, or repeal any or all of the Schedules which form part of the bylaw.

**SECTION 7.0: SEVERABILITY**

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

**SECTION 8.0: REPEAL**

8.1 Bylaw No. 2009-07 and any amendments thereto are hereby repealed.

**SECTION 9.0: EFFECTIVE**

8.1 This Bylaw shall come into full force and effect upon third and final reading.

READ a first time this 28<sup>th</sup> day of September 2020

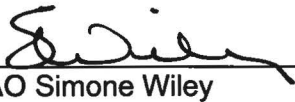
READ a second time this 28<sup>th</sup> day of September 2020

Unanimous consent for third and final reading this 28<sup>th</sup> day of September 2020

Read a third time and passed this 28<sup>th</sup> day of September 2020

Signed by Mayor and CAO this 28<sup>th</sup> day of September 2020

  
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Mayor Ralph Leriger

  
\_\_\_\_\_  
CAO Simone Wiley

Schedule A

OFFENCE PENALTIES

<b>Offence</b>	<b>Section</b>	<b>Municipal Tags Minimum Fine and Specified Penalty in Dollars (Column 1)</b>	<b>Violation Tickets Minimum Fine and Specified Penalty in Dollars (Column 2)</b>
Contravene Parks Bylaw	5.0	\$250.00	\$1,000.00