

TOWN OF HIGH RIVER
ALBERTA
BYLAW 3861/96
Consolidated
July 24, 2012

Being a bylaw of the Town of High River in the Province of Alberta to control and operate the two municipal parks/campgrounds within the Town of High River known as George Lane Park and Little Bow Campground.

WHEREAS the Town of High River operates two (2) municipal parks/campgrounds known as George Lane Park and Little Bow Campground;

AND WHEREAS there has been recurring evidence of disorderly conduct in the parks, as well as conduct which could be or has been destructive to property,

NOW THEREFORE pursuant to Section 7 of the Municipal Government Act, Chapter M-26.1, RSA 1994, and Sections 7(1), 7(2), 26(3) and 42 of the Provincial Offences Procedure Act, Chapter P-21.5, RSA 1988 Council of the Town of High River hereby enacts as follows:

1. This Bylaw shall be cited as the "Parks Control Bylaw".

2. DEFINITIONS:

Amended
Bylaw 4346/2012

2.1 In this Bylaw,

(a) "animal" means a domestic animal and includes an animal that is wild by nature but has been domesticated;

(b) "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 fifth wheel trailer, or
- (viii) other similar unit used as shelter by a person while camping or in conjunction with camping;

Amended
Bylaw 4346/2012

(c) "Designated Park" shall mean every recreational area owned or controlled by the Town whether such park is improved in whole or in part or remains in its natural state and shall include river valleys and other neighborhood beautification area and publicly maintained areas that are administered by the Town including playing fields, outdoor rinks, tennis courts, outdoor concessions, anything incidental to their use, such as all park furniture including playground equipment, benches, picnic tables, fire pits, trees and shrubs.

(d) "highway" means a highway as defined in the Highway Traffic Act;

(e) "individual campsite" means a campsite within a Designated Park;

(f) "motor vehicle" means a motor vehicle as defined in the Highway Traffic Act;

(g) "nuisance" means any or all of the following:

- (i) drunkenness;
- (ii) use of obscene, offensive or insulting language;
- (iii) fighting or disorderly conduct;

- (iv) excessively loud or disruptive noise or music;
 - (v) any conduct which, in the opinion of the Park Officer, infringe upon the right of the users to quiet and peaceful enjoyment of space and facilities within a Designated Park;
- (h) "off-highway vehicle" means an off-highway vehicle as defined in the Off-highway Vehicle Act;
- (i) "Operational Services Director" means a person appointed by the Town to the position of Director of Operational Services;
- (j) "Park Officer" means a person or persons appointed by the Town to manage the operations of a designated park or their designate.
- (k) "Peace Officer (as defined in the Provincial Offences Procedure Act, Chapter P-21.5, RSA 1988)" means a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer. In addition to the authority of a Peace Officer as outlined in this bylaw a Peace Officer shall also have the authority of a Park Officer;
- (l) "summary conviction" means a violation ticket as defined in the Provincial Offences Procedure Act, Chapter P-21.5, RSA 1980
- (m) "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.
- (n) "public place" includes
- (i) a place or building to which the public has or is permitted to have access,
 - (ii) a place of public rest,
 - (iii) a conveyance in a public place, and
 - (iv) the premises of a club;
- (o) "temporary residence" means
- (i) a place that is used by a bona fide traveller as a private temporary dwelling to reside in during his travels, including any building or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of that place and in respect of which that traveller pays a fee;
 - (ii) a tent that is
 - (a) set up in an area where overnight camping is not prohibited, and
 - (b) being used as a temporary dwelling, including any structure or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of the tent, or
 - (iii) a motor home, camper, trailer or other vehicle that is
 - (a) parked in an area off a highway or road, as defined in the Public Highways Development Act, where overnight camping is not prohibited, and
 - (b) being used as a temporary dwelling, including any structure or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of the motor home, camper or other vehicle,
- (p) "Town" means the Town of High River.

- (q) The term "day use" shall be used to describe any and all areas in a designated park where individual campsites have not been set out. To include any and all of the following areas:

Public beach area	Parking lots
Play Ground area	Park Trails
Picnic Area	Ball Diamonds

Amended
Bylaw 4346/2012

- (r) "Public Gatherings" means a group of two or more people.

3. GENERAL

- 3.1 A person who enters a Designated Park shall comply with,
- any lawful order and instruction made or issued pursuant to this Bylaw; and
 - the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.
- 3.2 The Operational Services Director may,
- subject to the Highway Traffic Act, Chapter H-7, RSA 1980 and the Municipal Government Act, Chapter 26.1, RSA 1994 control and prohibit the movement of vehicular, pedestrian and other traffic by means of signs and notices designated and erected by him; and
 - designate and erect other signs and notices governing and prohibiting activities as provided for in the Municipal Government Act or this Order.
- 3.3 A person using a designated park shall,
- keep the land and improvements in a condition satisfactory to the Park Officer and shall not cause any litter or garbage to be deposited anywhere other than in containers specially provided for that purpose.
 - not scavenge or otherwise remove bottles, cans or other materials from garbage containers in the Park without permission from the Park Officer.
- 3.4 If, in the opinion of a Park Officer, a nuisance exists on any site, the Park Officer may order the person causing the nuisance to abate or discontinue the nuisance.
- 3.5 Where a person fails to comply with an order made pursuant to subsection 4.4, a Park Officer may take whatever steps are necessary to abate or have discontinued the nuisance, and the cost of doing so is recoverable from the person as a debt.

4. PROHIBITIONS

Amended
Bylaw 4346/2012

- 4.1
- All Designated Parks within the Town shall be closed to the public from 11:00 p.m. to 5:00 a.m. unless otherwise authorized in writing by the Manager of Parks and Recreation or their designate.
 - No person shall interfere with the right of others to the quiet and peaceful enjoyment of a Designated Park. Quiet time shall be that time between 11:00 p.m. and 7:00 a.m. when the Designated Park shall be free from excessive noise which would disrupt sleeping persons.
- 4.2 No person who has been removed from a Designated Park pursuant to Section 11.1(c) of this Order shall, within the following

72-hour period, enter or attempt to re-enter such Designated Park.

- 4.3 Pursuant to the Liquor Control Act being Chapter L-17 RSA 1980 with amendments thereto, or related regulations as put in place upon revision, no person shall consume liquor in a public place or any other place other than a temporary residence or a function licensed under the Liquor Control Act and approved in writing by the park Officer and allowed for in the community reserve and picnic areas.
 - 4.4 No person shall display or post any sign or advertisements in the Designated Park other than signs and advertisements approved by the Town.
 - 4.5 No person shall enter or remain in a Designated Park or portion of a Designated Park where travel or access restrictions have been imposed under this Bylaw.
 - 4.6 No person shall deface, injure or destroy any object in a Designated Park, whether such object is created by natural means or otherwise.
 - 4.7 No person shall deposit liquid or solid waste matter in a Designated Park except in a receptacle or area provided for that purpose by the Minister.
 - 4.8 No person shall bring commercial or residential waste matter into a Designated Park for disposal without permission of Park Officer.
 - 4.9 No person shall dispose of wastes in areas in a Designated park where waste disposal receptacles or areas are not provided. Such waste shall be carried out of the area for proper disposal.
 - 4.10 No person shall bath or clean clothing, fish, cooking or eating utensils, vehicles or other equipment at or near a drinking fountain, stand pipe, well or pump in any Designated Park.
 - 4.11 No person in any Designated Park shall:
 - a) cut, break, bend or in any way damage or deface any turf, tree, shrub, hedge, plant, flower or Designated Park ornament,
 - b) walk, stand, or sit on any flower bed,
 - c) walk upon any lawn or garden where signs are posted prohibiting persons from so doing; or
 - d) dig in the earth or remove any tree, plant, shrub, or any equipment of any kind that is fixed or growing thereon.
 - 4.12 No person shall carry on a business in a Designated Park unless he has received a business license from the Town for that purpose and has received written permission from the Park Officer.
 - 4.13 The Parks Officer may add to, delete or vary the terms and conditions of permission which is issued under this Bylaw.
 - 4.14 The Town may cancel or suspend a permission issued under this Bylaw if the business operator contravenes this Bylaw or any of the terms or conditions of the permit.
 - 4.15
 - a) No person shall discharge a firearm in a Designated Park.
 - b) A person who is in possession of a firearm in a Designated Park shall ensure that the firearm is unloaded and either disassembled or cased.
5. ANIMALS
- 5.1 No person having the custody or control of an animal shall bring such animal into a Designated Park or allow the animal to enter or remain in a Designated park or allow the animal to enter or remain in a Designated 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 or has written permission from the Park Officer.

- 5.2 No person having custody or control of an animal shall bring such animal into or allow such animal to enter or remain in or on any area in a Designated Park that is
- a) a swimming area,
 - b) a public washroom, change house, concession, picnic shelter or other public building or structure; or
 - c) an area where signs are posted prohibiting animals.
- 5.3 A Park Officer may refuse to admit to a Designated Park any animal if he considers it is not under the control of the owner pursuant to section 6.1, or it may be a nuisance or a danger to life, safety, health, property or comfort of any person in any Designated Park.
- 5.4 A Park Officer, Peace Officer, Bylaw Enforcement Officer or other duly authorized Town employee may capture an animal running at large in a Designated Park.

6. FIRES

- 6.1 No person shall set, light or maintain a fire in a Designated Park except in a fireplace, pit or other facility designated 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 in a stove, fire pit or other place provided for that purpose.
- 6.4 A person who lights a fire shall extinguish all fire, hot coals and smoldering materials before leaving them.
- 6.5 Where the Town is of the opinion that a fire hazard exists in a Designated Park, it may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the Designated Park.
- 6.6 No person shall set, light or maintain a fire in all or any part of the designated park where a sign or notice prohibits the same.

7. VEHICLES

- 7.1 No person shall, within a Designated Park, operate or ride an off-highway vehicles or any other such specialized means of conveyance.
- 7.2 Subsection 8.1 does not apply to bicycles or such vehicles required by handicapped persons.
- 7.3 No person shall park a motor vehicle, boat, trailer or camping accommodation unit in a Designated Park other than in areas designated for that purpose.
- 7.4 A Park Officer may prohibit the entry of a vehicle into any part of a Designated Park.
- a) In this section "abandoned" means left standing in a Designated Park for more than seventy-two (72) consecutive hours unless,
 - (i) a license, permit or other similar authorization has been received from the Town; or
 - (ii) prior authorization has been received from the Park Officer.
 - b) If a motor vehicle, off-highway vehicle, aircraft, boat trailer,

equipment, appliance, article or object

- (i) is abandoned; or
- (ii) remains in an area after the authorization to be in that area expires; or
- (iii) is located in a prohibited area;

a Peace Officer may order the owner, operator or person in charge of the object to move the object to a location determined by the Park Officer and within a period of time determined by the Park Officer.

- c) Where the owner, operator or person in charge of the object fails to comply with the order of a Peace Officer under subsection (b), the Peace Officer may move the object or cause it to be moved and stored at a location determined by the Peace Officer.
- d) Where a Peace Officer moved or stores an object or causes it to be moved or stored under this section, the cost of doing so
 - (i) shall be payable by the owner of the object; or
 - (ii) constitute a lien on the item; and
 - (iii) may be recovered from the owner in an action for debt; and
 - (iv) must be paid before the object is released to the owner, operator or person in charge of it.
- e) Property stored pursuant to the foregoing and which remains unclaimed for a period of six (6) months from the date it was stored, shall be considered abandoned by the owner and may be disposed of as the Town deems appropriate. In the case of a vehicle, Section 93(4) of the Motor Vehicle Administration Act, Chapter M-22, RSA 1980 shall apply.

8. CAMPING

- 8.1 All persons entering a Designated Park shall register when required to do so by a sign or notice at or near the entrance to the Designated Park.
- 8.2 The Park Officer may provide for and designate areas within a Designated Park for camping and day use purposes.
- 8.3 Permits shall be issued for camping on a first come, first-served basis, except in those areas designated for group camping which may be reserved. The Town may by bylaw, establish a fee for purchasing permits.
- 8.4 No person shall camp overnight in a Designated Park or other signed area:
 - a) except in an area designated for that purpose, unless he is otherwise authorized by the Park Officer, and
 - b) unless he has a valid permit under this Bylaw to do so.
- 8.5 A permit shall be issued for each campsite.
- 8.6 No person shall alter a camping permit or transfer it to another person.
 - a) Where a campground within a Designated Park is developed into individual campsites, only two (2) vehicles and one (1) camping accommodation unit are permitted to be kept in an individual campsite, unless the Park Officer gives permission to the contrary and the camper pays the appropriate addition fee(s).
 - b) A motor home shall be considered to be both a camping accommodation unit and a motor vehicle.

- c) 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 (a).
 - d) No person, who is visiting a person camped in a Designated Park, shall park his vehicle in a Designated Park.
 - (i) between 2300 hours each night through to 0700 hours each morning, or
 - (ii) in a manner or at a location where it impedes traffic or is disallowed by signage.
- 8.10 Not more than eight (8) persons may occupy an individual campsite unless they are all members of a single family unit.
- 8.11 The person in whose name an individual campsite is registered shall be responsible for ensuring the property conduct of members of his party or any visitors in accordance with these regulations.
- 8.12 a) No person shall camp for more than fourteen (14) consecutive days in the same Designated Park, without the written permission of a Park Officer.
- b) A period of at least seventy-two (72) hours must elapse after a person checks out of a campsite upon the expiration of a fourteen (14) day period before he may again camp in that campground.
- 8.13 A campsite shall be considered to be unoccupied when without the written permission of a Park Officer, the permittee leaves the campsite unattended for a period exceeding 12 continuous hours during the first 24 hour period after the permit is issued.
- 8.14 A camping permit is automatically cancelled if the campsite to which it relates is unoccupied within the meaning of Section 9.13;
- 8.15 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 and that the campsite is left in a clean and tidy condition.
9. ENFORCEMENT
- 9.1 A Park Officer may cancel a camping permit without prior notice to the permit holder if the permit holder or his guest contravenes this Bylaw.
- 9.2 The permit holder and all other persons camping or visiting with him shall vacate the campsite within one (1) hour from having been requested to do so.
10. POWERS OF A PEACE OFFICER
- 10.1 For the purposes of administering this Bylaw, a Peace Officer may,
- a) enter on and inspect any land, road, highway, structure or work in a Designated Park;
 - b) order any person in a Designated Park to cease or refrain from any action, omission or conduct that in the opinion of the Park Officer is dangerous to life or property or detrimental to the use and enjoyment of the Designated Park or recreation area by other persons;
 - c) remove or cause to be removed from a Designated Park
 - (i) any person making an unauthorized use of the Designated Park;
 - (ii) any person failing to comply with any of the provisions of the Bylaw; or

- (iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.
 - d) Order the repair, alternation, improvement, evacuation or removal of or addition to any unauthorized structure or work in a Designated Park.
 - e) Require any person in a Designated Park to inform a Peace Officer of
 - (i) the name, address and occupation of the person, and
 - (ii) any fact or intention relating to the use by the person of the Designated Park.
 - f) Issue violation tickets pursuant to the Provincial Offences Procedure Act, with respect to offences under this Bylaw.
- 10.2 A Peace Officer may seize any vehicle, off highway vehicle, aircraft, boat, trailer or any equipment, appliance or other article or object that is being used in a Designated Park in contravention of this Bylaw, or in contravention of any other act or the regulations made thereunder, whether it is found in the possession of the person alleged to have committed the contravention or not.
- 10.3 The Peace Officer shall, on seizing anything under Section 11.2,
- a) give a receipt for it to the person, if any, having possession or custody of the thing, and
 - b) furnish a provincial judge with an Affidavit
 - (i) stating that he has reason to believe that an offence has been committed in respect of the thing seized, and
 - (ii) setting out the name of the person, if any, having possession or custody of the thing seized at the time it was seized.

*Amended
3896/97*

11. OFFENCES AND PENALTIES

- (1) Any person who contravenes any provision of this Bylaw by:
 - (I) doing any act or thing which they are prohibited from doing; or
 - (ii) failing to do any act or thing they are required to do;is guilty of an offence and is liable on Summary Conviction, to a fine not exceeding two Thousand Dollars (\$2,000.00) and, in the event of failure to pay or the inability to pay any fine levied, to imprisonment for a period not exceeding one (1) year or until such fine and costs are paid.
- (2) Where any provision of this Bylaw provides for a fine to be levied for contravention of this Bylaw the Court entering the conviction of the offence shall not levy a lesser fine than set out in the provision.
- (3) Where a breach of this Bylaw is of a continuing or re-occurring nature then in addition to any other remedy or any penalty imposed by this Bylaw, the Town may, in any of those cases, apply to the Court of Queen's Bench by way of action or originating notice for an injunction or other order, prohibiting the person contravening the Bylaw.
- (4) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, they may serve upon the person a voluntary payment tag in a form designated by the Town allowing payment to the Town of the fine specified in Schedule "A" for the offence and that payment shall be accepted by the Town in lieu of prosecution for the offence.
- (5) If the person upon whom a voluntary payment tag is served fails to pay the required sum within the time specified in the voluntary

payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.

- (6) Nothing in this section shall:
- I) prevent any person from exercising their right to defend any charge of committing a breach of this Bylaw;
 - ii) prevent any Peace Officer from laying an information or complaint or Violation Ticket in lieu of serving a voluntary payment tag; or
 - (iii) prevent any person from exercising any legal rights they may have to lay an information or complaint against any person (whether the person has made payment under the provisions of this Bylaw, or not) for a breach of this Bylaw.
13. Bylaw 1048 is hereby rescinded.
14. This Bylaw shall come into full force and effect upon Third and Final Reading thereof.

READ A FIRST, SECOND AND WITH UNANIMOUS CONSENT OF ALL COUNCIL PRESENT A THIRD AND FINAL TIME THIS 24TH DAY OF JUNE A. D. 1996.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
MUNICIPAL SECRETARY

BYLAW 3861/96
SCHEDULE "A"

<u>SECTION</u>	<u>OFFENCE</u>	<u>PENALTY</u>
3.1(a)	Failing to obey a lawful order	\$200.00
3.1(b)	Failing to obey lawful signs/notices	\$50.00
3.3(a)	Restore land to clean and tidy condition	\$50.00
3.3(b)	Scavenge	\$50.00
4.1	a) Participating in a public gathering between 11:00 p.m. and 7:00 a.m.	\$200.00
4.1	b) Interference with rights of others to peace and quiet	\$100.00
4.2	Attempt to re-enter a designated park within 72 hours of removal	\$400.00
4.3	Unlawful consumption	\$100.00
4.4	Display or posting of unauthorized signage/advertisements	\$50.00
4.5	Unlawfully enter/remain in a designated park	\$50.00
4.6	Deface, injure or destroy object in Designated Park	\$150.00
4.7		
4.8		
4.9	Improper disposal of waste matter	\$50.00
4.10	Bathing or cleaning of self or utensils or vehicles and equipment at or near water taps, etc.	\$50.00
4.11	Vandalism of environment	\$250.00 or restitution
4.12	Unauthorized carrying on of business	\$50.00
4.14	Discharge of firearm	\$75.00
5.1	Animal not on leash	\$50.00
5.2	Animal in prohibited area	\$50.00
6.1	Starting fires in un-designated area	\$50.00
6.2	Leaving fire unattended	\$50.00
6.3	Improper disposal of burning material	\$50.00
6.4	Not extinguishing fire before leaving	\$50.00
6.6	Starting fires when prohibited	\$100.00
7.1	Unauthorized travel by motor vehicle/off-highway vehicle in designated park/recreation area on non-designated trail	\$50.00
7.3	Parking vehicle in non-designated area	\$50.00
8.1	Failure to register	\$50.00
8.3	Reserving of campsite	\$50.00
8.4	Camping where prohibited	\$50.00
8.6	Altering/transferring of permit	\$50.00
8.8	Improper parking of vehicle	\$50.00
8.9	Exceed 8 persons per campsite (not single family)	\$50.00
8.11	Unauthorized camping in same campground for more than 14 consecutive days without permission to do so	\$50.00
8.12	Unauthorized leave of campsite	\$50.00
8.14	Improper vacating of campsite	\$50.00