

BY-LAW NO. 779

TOWN OF SUNDRE

PROVINCE OF ALBERTA

A BY-LAW OF THE TOWN OF SUNDRE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROLS AND REGULATIONS PERTAINING TO THE PUBLIC USE OF PARKS WITHIN THE TOWN OF SUNDRE.

Pursuant to the authority vested in it by the provisions of Section 7 of the Municipal Government Act, being M-26, of the Statutes of Alberta 2000, with amendment, the Council of the Town of Sundre duly assembled, hereby enacts as follows:

SECTION 1: - This by-law may be cited as the “Parks By-law” of the Town of Sundre.

SECTION 2: - PART 1 – DEFINITIONS

Wherever in this by-law unless context otherwise indicates the following terms are used, they shall have the meanings respectively ascribed to them in this section.

- (a) “CHIEF ADMINISTRATIVE OFFICER” means the Administrator of the Town and whatsoever subsequent title may be conferred on him by Council or Statute.
- (b) “COUNCIL” means the Council of the Town of Sundre;
- (c) “FACILITY” – means any structure under the control of the Town of Sundre, and designed for recreational purposes, includes, swimming pools, arenas and athletic fields
- (d) “HIGHWAY” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle-way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and
 - (i) includes
 - (a) a sidewalk (including the boulevard portion of the sidewalk
 - (b) If a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (c) If a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

But

- (ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway;
- (iii) “PARK”, when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place, except

- (a) when standing temporarily for the purposes of and while actually engaged in loading or unloading passengers, or
- (b) when standing in obedience to a peace officer or traffic control device;
- (e) “LICENSE” is permission to operate a specified event; proof is in the form of a document from the Town of Sundre, Municipality.
- (f) “MUNICIPALITY” means the Municipal Corporation of the Town of Sundre, in the Province of Alberta.
- (g) “PARK” a tract of land reserved for public use, as for recreation, an enclosed playing field, or stadium. A place where vehicles may be stored or left.
- (h) “PEACE OFFICER” means:
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a Special Constable, or
 - (iii) a bylaw Enforcement Officer appointed by the Council of the Town of Sundre;
- (i) “PERMIT” to give consent or to allow a person the opportunity with a written document as sign by a person on authority for the Town of Sundre as defined by the Chief Administrative officer.
- (j) “PERSON” includes a corporation and their heirs, executors, administrators or other legal representatives of a person;
- (k) “PUBLIC PLACE” includes any place to which the public have access of right or invitation, expressed or implied, and without restricting the foregoing to constitute a public place it is not necessary that all segments of the public have a right of access thereto;
- (l) “TOWN” means wherever the word town is used in this by-law, it shall be taken to mean the Town of Sundre;
- (m) “VEHICLE” means a device in, on or by which a person or thing may be transported or drawn on a highway
- (n) “WEAPON” is an instrument, device or other such device used for offense and defense as defined in the Criminal Code of Canada and specifically relates to archery, fireworks or firecrackers use of a slingshot, and the launching of a projectile of any sort in a manner dangerous to the public peace.

SECTION 3 – HOURS

- 3.01 The Town Council may close a park(s) for such hours or period of time as it may direct, where, in its opinion, vandalism and other related problems are excessive and can be controlled by such closure.

SECTION 4 - FENCES

- 4.01 No person shall climb on or over fences located in or at a park.

SECTION 5 - SIGNS

5.01 No person shall disobey a directive sign placed in a park.

SECTION 6 - DAMAGE

6.01 No person shall damage, deface, destroy, remove or tamper with;

- (a) a structure, fixture, improvement, sign or other property,
- (b) vegetation, soil, sand, gravel or wood, or any other material located in a park.
- (c) No person shall deposit waste of any nature or kind without a permit or written authorization from Town Council, Town of Sundre, and Province of Alberta.

SECTION 7 – PARK USE

7.01 No person shall engage in any activity in a park within the Town of Sundre, Province of Alberta which may;

- (a) injure any other person using the park, or
- (b) damage the park, or
- (c) be incompatible with other common uses of the park.

7.02 No person shall, in a park within the Town of Sundre, Province of Alberta

- (a) propelling a golf ball in any manner.
- (b) archery,
- (c) the use of a sling shot,
- (d) the shooting of a projectile of any nature,
- (e) the discharge of any fireworks or fire crackers without a permit or written authorization.

7.03 Start a fire, except in fireplaces provided therein for such purpose and except in a barbecue or other portable fire appliance in an are of such park specifically designed for such purpose,

7.04 Swear or us obscene, offensive or insulting language, fight, be drunk or conduct himself in a disorderly manner.

SECTION 8 – PUBLIC GATHERING

8.01 No person in a park shall,

- (a) operate an amplifying system,

- (b) make public address, demonstrate, do anything likely to cause a public gathering, or
 - (c) take part in any procession, drill, performance, ceremony, concert or public gathering.
- 8.02 The Town Council may, in writing authorize an activity otherwise prohibited by this section.

SECTION 9 – WATER AND SWIMMING

- 9.01 No person shall enter a body of water located in or flowing through the park.
- 9.02 This section shall not apply to
- (a) a person(s) authorized by the Council to enter a body of water, and
 - (b) bodies of water designated by the Town for a specific use by the public, and
 - (c) a person(s) authorized by the Council to use a boat or craft of any nature of kind on the water as he deem necessary and upon the terms and conditions they may in their discretion specify
 - (d) person(s) authorized to do so for any reason as authorized by Town Council or CAO.

SECTION 10 – CAMPING

- 10.01 No person shall camp or erect a tent in a park.
- 10.02 The Town Council or CAO may designate an area in a park where camping in permitted.

SECTION 11 – VEHICLES

- 11.01 No person shall operate a vehicle in a park, except on a roadway provided for such use.
- 11.02 No person shall park a vehicle in a park, except in an area designated for such use.
- 11.03 No person shall operate an off-highway vehicle in a park.
- 11.04 No person shall operate a vehicle in a park in excess of 15 kilometers per hour as posted or as otherwise posted.

SECTION 12 – ANIMALS

- 12.01 No person shall permit an animal owned or controlled.
- (a) to run at large in a park, or
 - (b) to enter into a body of water located in or flowing through a park.
- 12.02 No person shall allow a dog owned or controlled by him to be in
- (a) a tot lot area,

- (b) a floral area,
- (c) an athletic area, or
- (d) a wading pool area.

12.03 The Council may designate areas in a park where

- (a) dogs may be allowed to run at large,
- (b) dogs are not permitted,
- (c) dogs shall be tethered on a leash of not more than two and five tenths metres in length.

12.04 No person shall allow any animal owned or controlled to be in a park contrary to the designations of the Council under Section 12.03.

SECTION 13 – SALE OF GOODS AND SERVICES

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

13.02 No person shall make available for sale goods or services in a park

- (a) unless such activity is permitted by the regulations, and
- (b) the Council has first given written approval and
- (c) prescribed permits and licenses has been obtained from the Town of Sundre.

SECTION 14 – ADVERTISING

14.01 No person shall advertise or publicize anything in a park by any means without the prior written approval of the Council.

SECTION 15 – ACTIVITIES IN THE TOWN PARKS

15.01 The Council may designate areas in a park where any of the activities otherwise prohibited by this by-law are permitted with a permit or written authorization from Town Council, Town of Sundre, Province of Alberta.

15.02 The Council may make regulations designating;

- (a) a park or a portion of a park as an area which may be licensed to the exclusive use of a person or a group, and
- (b) the conditions upon which exclusive use may be made of an area, and
- (c) areas excluded from use by the public.

15.03 The Council may grant to a person exclusive use of an area so designated for specified dates and times with a permit or written authorization.

- 15.04 The Council may make regulations for the orderly use of facilities, within the Town of Sundre, Province of Alberta.
- 15.05 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 by-law with a permit or written authorization.
- 15.06 No person shall;
- (a) use a park contrary to the regulations made pursuant to this by-law referred to as the parks by-law.
 - (b) interfere with the use of an area by a person or group to which exclusive use has been granted,

SECTION 16: PENALTIES

- 16.01 Where any peace officer believes that any person has committed an breach of any of the sections of this by-law, he may serve upon such person a notice or tag with penalties as provided herein.
- 16.02 Provincial Ticket or tag shall be in such form as provided for and the service of any such provincial ticket or tag shall be deemed sufficiently served:
- (a) If served personally on the accused,
 - (b) If mailed to the address of the registered owner of the property concerned or to the person concerned;
 - (c) Attached to the vehicle in respect of which the offense is alleged to have been committed.
- 16.03 Upon production of any such notice or tag, within seven (7) days from the date of services of such notice, together with the payment of sums specified in the schedule hereto, to the Municipal Administrator of the Town of Sundre, an official receipt for said payment shall be issued, and subject to the provisions of this section, payment shall be accepted in lieu of prosecution.
- 16.04 Where a Peace Officer believes that a person has contravened a provision of this by-law, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offenses Procedure Act, S.A. 1988 P-21.5.
- 16.05 Nothing Reported in this Subsection Shall:
- (a) Prevent any person from exercising his right to defend any charge of committing a breach of any of the sections in this by-law;
 - (b) Prevent any person from exercising any legal right, such person may have to inform or lay a complaint against any other person for a breach of this by-law;
- 16.06 No person other than the owner or driver of a vehicle shall remove any notice placed on or fixed to such vehicle by a peace officer in the course of his duties.

- 16.07 Where a vehicle is driven, used parked or left in contravention of any of the provisions of this by-law, the registered owner of the vehicle is responsible for the contravention and liable to a penalty provided herein unless he proves to the satisfaction of the presiding Judge adjudicating the matter that at the time of the contravention, the vehicle was not driven, used, parked or left by him or any other person with his consent, expressed or implied.
- 16.08 Any person who violates any of the provisions of this by-law or any other person responsible for such violation is guilty of an offence and liable to a penalty not exceeding two thousand five hundred dollars, (\$2,500.00) exclusive of costs, or, in the case of non-payment of fine and costs imposed, to imprisonment for a period not exceeding thirty (30) days unless such fine and costs are paid sooner.
- 16.09 If any person is in default in doing any matter or thing by this by-law directed to be done, the matter or thing may be done by the Town at the expense of the person in default and the Town may recover expenses thereof with costs by action in any court of competent jurisdiction.

READ a first time in Council this 3rd day of September, 2002.

Mayor

Chief Administrative Officer

READ a second time in Council _____.

Mayor

Chief Administrative Officer

READ a third and final time and passed in Council _____.

Mayor

Chief Administrative Officer

PARKS BY-LAW NO. 779**TOWN OF SUNDRE****Schedule A – Section 16.01**

Pursuant to Section 16.01 this Schedule A established the penalty provisions, which may be imposed for contravention of the sections of the PARKS By-law of the Town of Sundre.

Section Number of By-law	Specified Penalty in Dollars
SECTION 4	\$30.00
SECTION 5	\$30.00
SECTION 6 (a)	\$100.00
SECTION 6 (b)	\$50.00
SECTION 6 (c)	\$100.00
SECTION 7.01	\$100.00
SECTION 7.02	\$100.00
SECTION 7.03	\$100.00
SECTION 7.04	\$100.00
SECTION 8.01 (a)	\$100.00
SECTION 8.01 (b)	\$100.00
SECTION 8.01 (c)	\$100.00
SECTION 9.01	\$100.00
SECTION 10.01	\$100.00
SECTION 11.01	\$50.00
SECTION 11.02	\$50.00
SECTION 11.03	\$100.00
SECTION 11.04	\$100.00
SECTION 12.01 (a)	\$50.00
SECTION 12.01 (b)	\$50.00
SECTION 12.02 (a)	\$50.00
SECTION 12.02 (b)	\$30.00
SECTION 12.02 (c)	\$50.00
SECTION 12.02 (d)	\$100.00
SECTION 12.04	\$50.00
SECTION 13.02	\$100.00
SECTION 14.01	\$100.00