



# **PARKS BYLAW 7/2022**

## PARKS BYLAW

	NUMBER	1 <sup>ST</sup> READING	2 <sup>ND</sup> READING	3 <sup>RD</sup> READING
<b>PASSED</b>	19/65	May 31/65	May 31/65	May 31/65
<b>AMENDMENT</b>				
<b>#1</b>	27/67	August 14/67	August 14/67	August 14/67
<b>2</b>	39/98	July 20/98	August 16/99	August 16/99
<b>3</b>	12/2004	July 5/04	July 5/04	July 5/04
<b>4</b>	37/2017	June 12/17	Sept 11/17	Sept 11/17
<b>5</b>	5/2019	January 21/19	January 21/19	January 21/19
<b>REPEALING BYLAW</b>				
<b>PASSED</b>	7/2022	Apr 19/22	Apr 19/22	May 2/22

## CITY OF ST. ALBERT

BYLAW 07/2022

### PARKS BYLAW

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The Council of the City of St. Albert ENACTS AS FOLLOWS:

A bylaw to regulate the conduct and activities of people in Parks in order to provide for the safe, enjoyable and respectful use of Parks, to provide for the protection of Parks and to protect and preserve natural environments for the benefit of all residents of the City.

WHEREAS pursuant to section 3 of the *Municipal Government Act* the purposes of a municipality include: to foster the well-being of the environment, to provide services and facilities that the council considers necessary or desirable for all or a part of the municipality, and to develop and maintain safe and viable communities;

AND WHEREAS pursuant to section 7(a) of the *Municipal Government Act* a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to section 7(b) of the *Municipal Government Act* a council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or a place that is open to the public;

AND WHEREAS pursuant to section 7(i) of the *Municipal Government Act* a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment

NOW THEREFORE, the Council of the City of St. Albert ENACTS AS FOLLOWS:

#### TITLE

1. This Bylaw may be referred to as the “Parks Bylaw”.

#### DEFINITIONS AND INTERPRETATION

2. In this Bylaw any word, expression or phrase that is defined in the *Municipal Government Act* has the same meaning as set out in that statute, and:
  - a. “Chief Administrative Officer” or “CAO” means a person appointed to the position of Chief Administrative Officer under section 205 of the *Municipal Government Act* and pursuant to the Chief Administrative Officer Bylaw of

St. Albert, and includes

- (i) a person to whom the CAO delegates a duty, power or responsibility of the CAO as set out in this bylaw;
  - (ii) a person to whom a delegatee of the CAO further sub-delegates a power, duty or responsibility of the CAO as set out in this bylaw;
- b. “City” means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the geographic boundary of the City;
  - c. “Designated Picnic Area” means any Park area identified through signage approved by the CAO as a designated picnic area where liquor may be consumed;
  - d. “Designated Trail” means any multi-use trail, pathway or sidewalk through a Park intended for non-vehicular travel;
  - e. “Drone” means an aircraft, other than a balloon, rocket or kite, that is operated by a pilot who is not on board, and includes an unmanned air vehicle and a remotely piloted aircraft as those terms are defined in the *Canadian Aviation Regulations* SOR/96-433;
  - f. “Encroachment” means anything placed with a fixed location on or under the ground or attached to something having a fixed location on or under the ground and extending on, over, or under Park land, including but is not limited to the following:
    - i. improvements as defined in the Alberta Land Surveyors’ Association Manual of Standard Practice, 2019, as amended from time to time;
    - ii. buildings and all projections including eaves, cantilevers or similar and siding;
    - iii. sheds, including those attached to a dwelling or fence;
    - iv. fences
    - v. asphalt, concrete or brick sidewalks, curbs, parking pads, driveway aprons or driveways;
    - vi. structures such as decks, stairs, patios, pergolas, gazebos or similar;
    - vii. extension of adjacent lands by fill;
    - viii. walls;
    - ix. swimming pools and hot tubs;
    - x. shrubs, hedges, trees or other organic landscape materials; and
    - xi. hard landscaping including fire pits, planters or similar features.

- g. “Event” means a gathering of people commencing at a predetermined date and time and having any one or more of the following features:
  - i. Exclusive use by attendees of any area, including vehicle parking areas, open space, park amenities;
  - ii. Erection or use of mobile or temporary structures including but not limited to: food trucks or other vehicles, tents or canopies greater than 10 feet in either length or width, trailers, stages or signage;
  - iii. Liquor service;
  - iv. Approved exemptions to other City bylaws (e.g. noise bylaw); or,
  - v. Road closures or other impediments to traffic flow as described in the Traffic Bylaw.
- h. “Municipal Violation Tag” means a City-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution in court for the offence;
- i. “Park” means any land owned, controlled or maintained by the City that is intended to be used by the public for recreation or general enjoyment; and is;
  - i. designated or districted as park under the Land Use Bylaw;
  - ii. dedicated as municipal reserve, environmental reserve, conservation reserve or a public utility lot; or,
  - iii. designated by the CAO as Park land under this Bylaw.
- j. “Peace Officer” means a Person employed for the purposes of preserving and maintaining the public peace, and includes
  - i. a provincially appointed Peace Officer pursuant to the Peace Officer Act;
  - ii. a provincially appointed Police Officer pursuant to the Police Act;
  - iii. a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment; and
  - iv. a regular member of the Royal Canadian Mounted Police.
- k. “Rocket” means a projectile that contains its own propellant and that depends for its flight on a reaction set up by the release of a continuous jet of rapidly expanding gases; and includes a model rocket as defined in Canadian Aviation Regulations SOR/96-433.
- l. “Stormwater Management Facility” means a facility that forms part of the City’s storm sewer system, the purpose of which is to collect and store runoff from rainfall and snowmelt.

- m. "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c.P-34, as amended, and,
- n. this bylaw shall not be interpreted or construed to prohibit or constrain activities in Parks by employees or contractors of the City while carrying out the duties required by their employment or contract.

### **ACTIVITIES IN PARKS**

- 3. (1) Unless authorized by the CAO no person shall:
  - (a) litter, or dispose of any garbage or refuse in a Park other than in a receptacle designated by signage for that purpose;
  - (b) possess or ignite any firecracker, fireworks or explosive material of any kind in a Park;
  - (c) launch or set off any Rocket in a Park;
  - (d) play or practice golf or archery in a Park except in an area designated by signage for such activity;
  - (e) build a permanent or temporary structure in a park;
  - (f) place or set up any form of abode, or otherwise camp in a Park.
- (2) No person shall start a fire in a Park except in a firepit or other receptacle designated by signage for that purpose or as authorized pursuant to the Fire Services Bylaw 21/2002.
- (3) Unless permitted by the CAO and in compliance with any conditions imposed by the CAO, no person shall enter upon any water or ice covered area within a Park that is identified by signage as a Stormwater Management Facility.
- (4) A person must not operate a Drone in a Park.
- (5) Despite subsection (4) a person may with the permission of the CAO operate a Drone in a Park if the Drone itself and its operation comply with all applicable provincial and federal legislation including all requirements under the Aeronautics Act, R.S.C. 1985, c. A-2 and its regulations.
- (6) An Event can only occur in a Park with the permission of the CAO, and no person shall organize or stage or participate in organizing or staging an Event in a Park without such CAO permission.
- (7) No person may operate a business in a Park except with the permission of the CAO and in accordance with any terms and conditions imposed by the

CAO, if the operation of the business within the Park involves one or more of the following:

- (a) exclusive use of any area of a Park, including parking areas, open space, or park amenities;
- (b) the erection or use of a mobile or temporary structure or a vehicle within the Park, including but not limited to food trucks, tents, trailers, canopies, stages or signage;
- (8) No person shall remove, deface or destroy a sign posted in a Park under the authority of the CAO.
- (9) The Chief Administrative Officer is authorized to establish rules not inconsistent with any provision of this bylaw to regulate public use of Parks including Events in Parks, or activities of persons within Parks.
- (10) A rule made under subsection (9) shall be posted *verbatim* on the City's public website and upon such posting has the same legal force and effect as though set out in full in this bylaw. A person contravening such a rule commits an offence under this bylaw and is liable to the penalties herein prescribed for an offence under this bylaw.
- (11) In addition to posting on the City's public website the CAO may cause signage to be posted to notify the public of the existence of any rule made under subsection (9) but the absence of such signage is not a defence to a charge that a person has committed an offence pursuant to subsection (10).

## **ENCROACHMENTS**

- 4. (1) A person must not cause or allow an Encroachment to be in a Park.
- (2) Notwithstanding subsection (1) an Encroachment is permissible in a Park if in compliance with an encroachment agreement approved by the CAO.
- (3) In addition to being subject to any other enforcement action, a Person who violates subsection (1) shall cause the immediate removal of the Encroachment upon receiving notice in writing from the City to do so, within the time specified in the notice.
- (4) If a Person fails to remove an Encroachment they have caused or allowed, after receiving a notice under subsection (3), the City may cause the removal of the Encroachment.

- (5) Notwithstanding subsections (2 to (4) of this section if the CAO determines that an Encroachment creates an unsafe condition, the City may immediately remove or alter the Encroachment as the CAO deems appropriate, without notice to a person who caused or allowed the Encroachment.
- (6) Any costs incurred by the City while acting in accordance with subsections (4) or (5) are debts owing to the City by a Person who caused or allowed the Encroachment.

### **LIQUOR IN PARKS**

- 5. A person may consume liquor in a Park at a Designated Picnic Area, in accordance with any applicable provisions of the *Gaming, Liquor and Cannabis Act* and any applicable rules made under section 3(9) of this Bylaw.

### **ACCESS TO PARKS**

- 6. (1) Unless authorized by the CAO no person shall be in a Park:
  - (a) between the hours of 11:00 p.m. and 5:00 a.m; or,
  - (b) at any time when the Park is closed to the public.
- (2) Subsection (1) does not apply to a person traveling along a Designated Trail within a Park.

### **ENVIRONMENTAL PROTECTION**

- 7. Unless authorized by the CAO no person within a Park shall:
  - (a) use or dispose of pesticides, herbicides or fertilizer;
  - (b) use or dispose of hazardous chemicals;
  - (c) transport household, yard, or commercial waste for the purpose of disposal;
  - (d) dump, stockpile or dispose of compost;
  - (e) plant, damage, destroy, prune, mow or otherwise alter any vegetation;
  - (f) deface, break, damage any tree;
  - (g) cut down any tree;
  - (h) feed any wildlife;
  - (i) harass any wildlife; or,
  - (j) touch, damage or otherwise disturb any wildlife nesting or denning area.

### **OFFENCES**

- 8. (1) A person who contravenes a provision of this bylaw by doing something that is



prohibited or by failing to do something that is required, is guilty of an offence.

(2) If a contravention of this bylaw is of a continuing nature, a separate offence occurs in respect of each day, or part of a day, during which the contravention continues.

(3) A person who is guilty of an offence under this bylaw is liable:

(a) to a specified penalty as directed in Schedule A of this bylaw; or

(b) in the case of a prosecution initiated by a violation ticket described in clause (b) of subsection 9(6) to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one year, or both.

(4) A peace officer may issue, with respect to an offence under this bylaw, a municipal violation tag specifying the fine amount established by this bylaw.

(5) Where a municipal violation tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

(6) A peace officer may issue, with respect to an offence under this bylaw, a violation ticket:

(a) specifying the penalty established by this bylaw; or

(b) requiring an appearance in court without specifying a penalty.

(7) Where a violation ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

(8) Without restricting any other power, duty or function granted by this bylaw, the CAO may carry out whatever inspections are reasonably required to determine compliance with this bylaw.

## **SEVERABILITY**

9. Should any provision of this bylaw be invalid, then the invalid provision shall be severed, and the remainder of this bylaw shall be maintained.

## **REPEAL OF PREVIOUS PARKS BYLAW**

10. Bylaw 19/65 is repealed concurrently with the coming into force of this bylaw.

## SCHEDULE A – FINES

Without restricting the generality of section 8(3) of this Bylaw, a fine amount of \$100 is established for use on Municipal Violation Tags and Violation Tickets for any offence for which a fine is not otherwise established in this Schedule A and for which a voluntary payment option is offered.

Offence	Section	Specified Penalty
Litter or dispose of garbage	3(1)(a)	250
Possess or set off firework	3(1)(b)	250
Start any fire	3(2)	500
Hold an Event without permission	3(6)	150
Operate a Business without permission	3(7)	150
Encroach on a Park	4(1)	500
Use or dispose of hazardous chemicals	7(b)	500
Cut down a tree	7(g)	1000