

BY-LAW NO. 1580

A By-law of The Municipal District of Willow Creek No. 26 in the Province of Alberta to provide for the control and operation of parks and campgrounds under the jurisdiction of The Municipal District of Willow Creek No. 26.

WHEREAS Section 213 (1) of The Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta, 1980, as amended, grants authority to Council to pass by-laws respecting all matters pertaining to the control and operation of parks and campgrounds; and

WHEREAS, Council of The Municipal District of Willow Creek No. 26 has established parks and campgrounds; and

WHEREAS, Council of The Municipal District of Willow Creek No. 26 wishes to establish rules and regulations for the control and operation of its parks and campgrounds.

NOW THEREFORE, Council of the Municipal District of Willow Creek No. 26, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. THAT this by-law may be referred to as the "Parks By-law".

DEFINITIONS

2. THAT in this by-law, words using the masculine gender include the feminine gender;

- 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 5th wheel trailer
 - viii) or anything else

used by a person as shelter equipment while camping;

- c) "Council" means The Council of the Municipal District of Willow Creek No. 26;
- d) "Firearm" & "Fireworks" means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material and or combination of those things;
- e) "Highway" means a highway as defined in the Traffic Safety Act;
- f) "Individual Campsite" means a numbered campsite in a park or campground designated as an individual campsite where over-night camping is allowed on a daily fee for usage;
- g) "Motor Vehicle" means a motor vehicle as defined in the Traffic Safety Act;
- h) "Off Highway Vehicle" means an off highway vehicle as defined in the Traffic Safety Act;

- i) "Park" means land designated as park, campground, or recreation area by the Council;
- j) "Park Personnel" means a person appointed as Park Personnel or any other person necessary for the administration of this by-law.
- k) "Voluntary Penalty" means a penalty specified in this by-law for a contravention of a provision of this by-law which amount may be paid by a person to whom a voluntary payment summons was issued.
- l) "Voluntary Summons" means a summons or ticket wherein the person alleged to have committed a breach of a provision of this by-law is given an opportunity to pay a voluntary penalty to the Municipal District of Willow Creek No. 26 in lieu of prosecution for the offense.
- m) "Day Use" shall mean 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:
 - i) Public Beach Area,
 - ii) Parking lots,
 - iii) Play ground area,
 - iv) Boat launch area,
 - v) Picnic area,
 - vi) Boat dock area
- n) "Designated Parks" shall mean Willow Creek campground, Pine Coulee campground and group areas, Clear Lake campground and John Zoeteman campground.
- o) "Peace Officer" shall mean any person authorized to enforce this by-law by the council and includes:
 - i) a member of the Royal Canadian Mounted Police, while the member is in the exercise or discharge of the member's powers or duties,
 - ii) a member of a municipal police service, while the member is in the exercise or discharge of the member's powers or duties,
 - iii) a Peace Officer appointed under the Peace Officer Act, while the Peace Officer is in the exercise or discharge of the Peace Officer's powers or duties, and
 - iv) a Bylaw Enforcement Officer appointed by the council under the authority of the Municipal Government Act, R.S.A. 2000 c M-26
- o) "Nuisance" shall mean:
 - i) drunkenness;
 - ii) use of obscene, offensive or insulting language;
 - iii) fighting or disorderly conduct;
 - iv) excessively loud or disruptive noise or music at any time;
 - v) any conduct which, in the opinion of the Park Personnel or Peace Officer, infringe upon the right of the users to quiet and peaceful enjoyment of the space and facilities within a designated park.
- p) "Self Registration" shall mean the following process:
 - a) person occupies a vacant campsite and returns to the registry booth to register

- b) person completes fully all information on the registry envelope as requested
- c) person puts required camping fee in envelope and removes registry stub
- d) person deposits envelope in vault located at registry booth.
- e) Registry stub is attached to campsite site numbered post. self-registration to occur within 30 minutes of occupying campsite.

PARK PERSONNEL & PEACE OFFICER

- 3. THAT Council may appoint Park Personnel & Peace Officer and any other person, hereinafter referred to as Park Officers, necessary for the administration of this by-law.
- 4.
 - a) THAT those Police Officers, Wildlife Officers appointed under the Wildlife Act and the Royal Canadian Mounted Police have the same powers that are conferred on Park Personnel & Peace Officer under this by-law.
 - b) THAT security officers, working under an agreement with the Council, may exercise the same powers that are conferred on a Park Officer under Section 5. a, b, c, d, e; but, limited in application to Sections 6.; 8.; 27.; 38.; and 50. only.

POWERS & DUTIES

- 5. THAT for the purpose of administering this by-law, Park Personnel & Peace Officer may:
 - a) Enter on and inspect any land, road structure or work in a park;
 - b) Order the repair, alteration, improvement, evacuation or removal of or addition to any unauthorized structure or work in a park;
 - c) Order any person in a park to cease or refrain from any action, omission or conduct that in the opinion of the Park Personnel or Peace Officer is dangerous to life or property or detrimental to the use and enjoyment of the park by other persons;
 - d) Require any person in a park to inform Park Personnel or Peace Officer:
 - i) the name, address and occupation of the person and
 - ii) any fact or intention relating to the use by the person of the park;
 - e) Remove from the park
 - i) any person making an unauthorized use of the park,
 - ii) any person failing to comply with any provisions of this by-law, or
 - iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.
- 6. THAT Park Personnel or Peace Officer in the exercise and discharge of his powers and duties is a person employed for the preservation and maintenance of the public peace.

GENERAL

7. THE Council & Park Personnel may provide for and designate areas within its parks for camping and day use purposes.
8. NO person shall
 - a) deface, injure or destroy any object in a park, whether created by natural means or otherwise.
 - b) remove, destroy, mutilate, deface, or climb upon any building, structure, fixture or chattel, and without restricting the foregoing, any monument, vase, fountain, wall, fence, wire netting, vehicle, tools, gate, seat, bench, exhibit, cage or ornament therein:
 - c) plug, tamper with, or in any way damage any plumbing, electrical, heating, or other fixtures.
 - d) cut, break, bend or in any way injure or deface turf, tree, shrub, hedge, plant, flower or park ornament;
 - e) walk, stand, or sit on any flower bed;
 - f) walk upon any lawn where signs are posted prohibiting persons from so doing; or
 - g) dig in the earth or remove any tree, plant, shrub, or any equipment of any kind that is fixed or growing thereon.
9. No person shall bath or clean clothing, fish, cooking or eating utensils, vehicles or other equipment at or near a drinking fountain, standpipe, well or pump in any areas of parks, including campsites & day use areas or lookouts.
10. NO person shall remove water from a park except for the personal use of himself and his party in the camping accommodation unit he or she is using at the time.
11. THE construction of piers, permanent barbecues, fences obstructions or buildings is prohibited.
12. NO person shall carry on a business in a park unless he has received permission from the Council, Park Personnel or Peace Officer for that purpose.
- 13.(1) A person using a park shall keep the land and improvements in a condition satisfactory to Park Personnel or Peace Officer.
 - (2) A person vacating a park shall restore the land as nearly as possible to a clean and tidy condition.
14. Park cleanliness is necessary to keep our parks a clean, safe and enjoyable experience for all users. No person shall:
 - a) fail to deposit litter in a litter receptacle
 - b) litter in a park
 - c) leave any campsite in such condition as to require further clean-up or special maintenance.
 - e) leave any washroom, toilet or shower facility in any condition requiring special attention, maintenance or clean up.

15. No camping or overnight in any of the day use areas is allowed unless authorized by Park Personnel.
16. No camping shall be allowed without at least one person being 18 years or older.
17. Park Personnel, Peace Officer or Police shall reserve the right to require picture ID to verify age of users.

EVICTON

- 18.(1) Any violation of a general park rule or regulation may result in eviction from a Municipal Park. Power to evict is granted to Park Personnel, Peace Officer or Police.
- (2) The eviction process shall be as follows:
 - a) verbal warning of non-compliance which may include a reasonable time for remedy
 - b) written warning of non-compliance, which may include written instruction along with specified timelines for remedy on a Park Violation Notice.
 - c) service of an eviction notice in the form of a Park Violation Notice.
- (3)(i) For the purpose of this by-law, service shall include personal service on any campsite occupant who appears to be 18 years or older, personal services on the registered owner of the campsite; and lastly by prominently posting the eviction notice on the apparent main entry door to the camping unit.
- (ii) In the event that personal service on any campsite occupant who appears to be 18 or older is not possible the parents and or legal guardian of a minor should be serviced.
- (4) Once served, an eviction notice is final and without appeal.
- (5) Dependent upon the severity of the violation and in the interest and safety of the public, an eviction notice can be served forthwith foregoing both verbal and written notices.
- (6) Any person served with an eviction notice and failing to respond and vacate the park is deemed to be trespassing and all the provisions of the Alberta Petty Trespass Act, Chapter P-11, RSA 200 apply.
- (7) No person shall interfere with the rights of others to the quiet and peaceful enjoyment of a park.
- (8) No person who has been removed from a park pursuant to Section 5 of this by-law shall, within the following 1-year period, enter or attempt to enter the parks or any at the parks within the municipality.
- (9) No person shall enter or remain in any of the parks or portion of park where travel or access restrictions have been imposed under this by-law.

FEES

18. A person engaging in an activity under this by-law shall pay the fee in respect to that activity that is required and set by resolution of the Council from time to time.

COMPLIANCE

19. A person who enters a park shall comply with:
- a) any lawful orders and instructions made or issued pursuant to this by-law, and
 - b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.
- 20.(1) If, in the opinion of Park Personnel or the Peace Officer, a nuisance exists, on any site which is subject to a permit, the Park Personnel or Peace Officer may, in writing, order the person causing the nuisance to abate the nuisance or clean the site, or both.
- (2) Where a person fails to comply with an order made pursuant to Subsection (1) Park Personnel or Peace Officer may take whatever steps are necessary to abate the nuisance or clean the site, or both, and the cost of doing so is recoverable from the person as a debt.
21. The Council, Park Personnel or Peace Officer may cancel or suspend a permit issued under this by-law if the permittee contravenes this by-law, or any of the terms or conditions to which the permit is subject.

PROHIBITIONS

- 22.(1) 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 23:00 hours each night through to 07:00 hours each morning when the designated park shall be free from any excessive noise which would disrupt sleeping persons.
- (2) No person who has been removed from the designated park pursuant to Section 16 (8) of this bylaw shall, within the following seventy-two (72) hour period, enter or attempt to re-enter such designated park.
- i) Pursuant to the Gaming and Liquor Act, R.S.A. 2000, c. G-1, with amendments thereto, or related regulations as put into place upon revision, no person shall consume liquor in a public place or any other place other than a residence, temporary residence or place described by this bylaw.
 - ii) Pursuant to the Gaming and Liquor Act, R.S.A. 2000, c. G-1, with amendments thereto, or related regulations as put into place upon revision, no person shall consume liquor in a motor vehicle unless, when the liquor is being consumed, the vehicle is a temporary residence.

SIGNS

- 23.(1) The Council and Park Personnel may
- a) subject to the Traffic Safety Act, control and prohibit the movement of vehicular, pedestrian and other traffic by means of signs and notices designated and erected by it, and
 - b) designate and erect other signs and notices governing and prohibiting activities that are provided for in this by-law.
- (2) The existence of a sign or notice referred to in Subsection (1) is prima facie proof that it was properly designated and erected under this by-law.

- 24.(1) No person shall display or post any signs or advertisements in the park other than signs and advertisements approved by Park Personnel or the Council.
- (2) No person shall remove, deface, damage or destroy and sign board, sign or notice posted or placed in any park under authority of this or any other by-law or Act.

WASTE DISPOSAL

- 25.(1) No person shall deposit liquid, grey water and solid waste matter in a park or lookouts.
- (2) No person shall bring commercial or residential waste matter into the park or lookouts for disposal in any container supplied.
- (3) In areas in a park where waste disposal receptacles or areas are not provided, waste matters shall be carried out of the area for disposal by the users.

CAMPSITE PERMITS

26. THE Park Personnel may issue individual campsite permits, day use permits and group camping permits under this by-law.
27. ALL person entering shall register when required to do so by a sign or notice at or near the entrance to the parks.
28. PERMITS shall be used on a first come, first served basis except in that portion of a park in which a campsite reservation system is in effect.
29. NO person shall camp overnight in a park
- a) except in an area designated for that purpose, unless he is otherwise authorized by Park Personnel, and
 - b) unless he has a valid permit under this by-law to do so.
- 30.(1) No person shall alter a camping permit.
- (2) No person shall transfer a camping permit to another person.
- (3) The owner of a camping permit shall keep it available for inspection at any time or shall produce it for inspection on the request of Park Personnel or Peace Officer.
31. AT the time of issue of a group camping permit, the Park Personnel may make the permit subject to any conditions it considers appropriate.
- 32.(1) Where a campground within a park is developed in individual campsites, only the following vehicles and camping accommodation units are permitted to be kept in the campsite unless Park Personnel gives permission to the contrary:
- a) one motor vehicle, whether or not it is a camping accommodation unit;
 - b) 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;
 - c) in addition to the motor vehicle referred to in clause (b), one tent.
 - d) any additional camping accommodation units, as referred to in clause (b), will require a park permit at the applicable fee.

- (2) No person in whose name an individual campsite is registered shall bring into or permit to remain on the campsite more vehicles or camping accommodation units than are permitted by Subsection (1), unless given permission by Park Personnel.
- (3) No person who is visiting a person camped in an individual campsite, shall park his vehicle on the campsite:
 - a) after 11:00 p.m., or
 - b) in a manner or at a location that impedes traffic.
- 33. NOT more than six persons may occupy an individual campsite unless they are all members of a single-family unit or given permission by Park Personnel.
- 34.(1) NO person shall camp for more than fourteen (14) consecutive days in the same campground in a park.
- (2) For the purposes of subsection (1), a period of at least seventy-two (72) hours must elapse after a person checks out of a campsite after the expiration of fourteen (14) day period before he may again camp in that campground.
- 35. A campground shall be considered to be unoccupied unless authorized by Park Personnel the permittee:
 - a) leaves the campsite unattended for a period exceeding twelve (12) continuous hours during the first twenty-four (24) hour period after the permit is issued; or
 - b) leaves the campsite unattended for a continuous period of more than twenty-four (24) hours during the period of the permit.
- 36.(1) A camping permit is automatically cancelled if the campsite to which it relates is unoccupied within the meaning of Section 35.
- (2) Park Personnel or Peace Officer may cancel a camping permit on written notice to the permittee if the permittee contravenes this by-law and the permittee shall vacate the campsite within one hour from receiving such notice.
- 37. 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.

ANIMALS

- 38. No person having the custody or control of an animal shall bring the animal into a park or allow the animal to enter or remain in a park unless it is in a cage or is restrained by a leash, chain or other device that is not greater than 2 meters in length.
- 39. NO person having custody or control of an animal shall bring into or allow an animal to enter or remain in or on any area of the park that is:
 - a) a designated swimming area,
 - b) a beach area adjacent to a designated swimming area,
 - c) a public washroom, change house, concession, public shelter, or other public building or structure, or
 - d) an area where signs are posted prohibiting animals,
 - e) animal feces must be cleaned up and put in garbage cans at all times.

40. Park Personnel or Peace Officer may refuse to admit to a park or require to be removed from a park any animal if he considers 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.
- 41.(1) Park Personnel & Peace Officers and any other person acting under his supervision may capture an animal running at large in a park.
- (2) When an animal is captured, the Park Personnel or Peace Officer shall
- a) impound the animal for a period of not more than eight (8) hours, and
 - b) make a reasonable attempt to contact the owner or person having custody of the animal, and
 - c) transfer custody to the Municipal Animal Control Officer to be dealt with pursuant to the municipal Dog Control By-Law if the animal is a dog and it has not been claimed by the owner or person having custody at the expiration of the eight (8) hours.

FIRES

42. NO person shall set, light or maintain a fire in a park except in a fireplace, pit or other facilities designed for that purpose.
43. A person may use any dead vegetation for fuel purposes in a campground only if given permission by Park Personnel.
44. NO fire wood or wood in general can be removed from any municipal park.
45. WHERE the Council and Park Personnel is of the opinion that a fire hazard exists in a 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 park.
46. NO person shall leave a fire unattended or allow it to spread.
47. 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 by the Park Personnel.
48. A person shall extinguish all fires, hot coals, or smoldering materials before leaving them.
49. NO burning of pallets, wood with nails, spikes, household garbage or construction material unless authorized by Park Personnel.

VEHICLES

50. NO person shall operate a motor vehicle within a park off the designated roadways.
51. (1) NO person shall, within the park, operate or ride an off highway vehicle or any other such specialized means of conveyance, whether motor driven or propelled by human power.
- (2) Subsection (1) does not apply to bicycles.
52. NO person shall park or leave a motor vehicle, boat, trailer or camping accommodation unit or permit a motor vehicle, boat, trailer or camping accommodation unit to be parked, other than in parking areas designated for that purpose by Park Personnel.

53. Park Personnel or Peace Officer may prohibit the entry of a vehicle into any part of the park.
54. If a motor vehicle, off highway vehicle, aircraft, boat or trailer is involved in a contravention of this by-law, the owner of that motor vehicle, off highway vehicle, aircraft, boat or trailer is guilty of an offense, unless he proves to the satisfaction of the court at the time of the offense the motor vehicle, off highway vehicle, aircraft, boat or trailer was not being operated or used by him.

PROPERTY ABANDONMENT

55. (1) In this section, "abandoned" means left standing at a location for more than seventy-two (72) consecutive hours other than pursuant to,

- a) a license, permit or other similar authorization, or
- b) authorization of Park Personnel or Peace Officer.

- (2) That if any motor vehicle, off highway vehicle, aircraft, boat, trailer, equipment, appliance, article or object

- a) is abandoned,
- b) remains in an area after the authorization to be in that area has expired, or
- c) is located in any prohibited area,

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

- (3) If the owner, operator, or person in charge of the item fails to comply with the order under Subsection (2), or if the owner, operator or person in charge of the item can not be determined, the Park Personnel or Peace Officer may move and store the item or cause it to be moved and stored.
- (4) Where Park Personnel or Peace Officers moves or stores an item or causes it to be moved or stored under this section, the cost of doing so
 - a) is the responsibility of the owner of the item,
 - b) constitutes a lien on the item,
 - c) may be recovered from the owner in an action for debt,
 - d) must be paid before the item is released to the owner, operator or person in charge of it.
- (5) If any item stored pursuant to this section is not, within thirty (30) days of its removal or a longer period as determined by the Council, claimed by the owner or someone on his behalf in return for full payment for the removal and storage costs incurred, the item and it's contents if any, shall be turned over to the Council to be disposed of in a reasonable manner.

SEIZURE OF PROPERTY

56. PARK Personnel or Peace Officers 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 park in contravention of this by-law, 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.

57. THE Park Personnel or Peace Officers shall, on seizing anything under Section 53,
- 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 offense 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.
58. WHEN a thing is seized under the authority of this by-law, the provincial judge may
- a) order the thing seized to be confiscated to the Municipal District of Willow Creek No. 26 when he is satisfied that its owner is unknown and that it has been used in connection with a contravention of this by-law,
 - b) order the thing seized to be confiscated to the Municipal District of Willow Creek No. 26 on a conviction for any offense under this by-law, or
 - c) return the thing seized to the person from whom it was seized.
59. WHEN a provincial judge returns something seized after a trial in which a not guilty plea was entered, the provincial judge may order the person to whom the article is returned,
- a) to hold the thing as bailee for the crown during the time limited for appeal, or extension thereof, and
 - b) to produce the thing if it is required in an appeal.

FIREARMS & FIREWORKS

- 60.(1) No person shall discharge a firearm or fireworks in a park, unless authorized by Park Personnel during certain times of the year.
- (2) On application to the Council, Council may issue a permit for the carrying on of an activity involving the discharge of a firearm in the park.
 - (3) The Council may make a permit under this section subject to any terms and conditions it considers appropriate including, without limitation, terms and conditions respecting the following:
 - a) the area in which and the times during which the activity may be carried out and in the manner in which it must be carried out;
 - b) the duration of the permit;
 - c) the filing with the Council any reports, returns and other documents related to the activity that is subject to the permit.
 - (4) Unless he is a person engaged in an activity pursuant to a permit issued under this section, a person who is in possession of a firearm in a park shall ensure that the firearm is unloaded and either disassembled or cased.

VARIANCE

61. THE Council may add to, delete or vary the terms and conditions to which a permit is issued and under this by-law.

PENALTIES

- 62.(1) Every person who contravenes the provision of this by-law is guilty of an offense and liable to a voluntary penalty of TWO HUNDRED AND FIFTY DOLLARS (\$250) or, on summary conviction to a fine not exceeding THREE THOUSAND DOLLARS (\$3,000) and not less than FIVE HUNDRED DOLLARS (\$500) or imprisonment for a term of not more than six (6) months or to both a fine and imprisonment.
- (2) To any person making a voluntary payment under a voluntary summons issued pursuant to subsection (1), the penalty shall be reduced:
- a) by FIFTY DOLLARS (\$50) to TWO HUNDRED DOLLARS (\$200) if payment is received within seven (7) days of the date of issuance of the voluntary summons;

Upon passing this Bylaw, that Bylaw #1126 is hereby repealed.

EFFECTIVE DATE

63. THIS by-law shall be enforced and take effect on the final passing thereof.

Read a first time this _6th_ day of ___May___, 2009.

Read a second time this _6th_ day of ___May___, 2009.

Reeve

Municipal Administrator

Read a third time and finally passed this _6th_ day of ___May___, 2009.

Reeve

Municipal Administrator