



## BYLAW NO 1733

### PARKS & OPEN SPACE AREA BYLAW

**BEING A BYLAW OF THE COUNCIL OF KNEEHILL COUNTY, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL THE USE AND OPERATION OF PARKS & OPEN SPACE AREAS WITHIN KNEEHILL COUNTY.**

**WHEREAS** pursuant to the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended, a Municipal Council has authority to govern and the authority to pass bylaws respecting the municipality, including services provided by or on behalf of the Municipality; and

**WHEREAS** pursuant to the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended, a Municipal Council has authority to govern and the authority to pass Bylaws respecting the municipality, including all matters pertaining to the control and operation of parks, campgrounds, athletic grounds, designated outdoor swimming areas, water play parks, playing fields, sports surfaces, playgrounds; and

**WHEREAS** Council wishes to pass a bylaw to regulate and control the use and operation of County-owned parks, natural areas and certain open spaces within Kneehill County;

**NOW THEREFORE**, the Council of Kneehill County, duly assembled, hereby enacts as follows:

1. TITLE

- 1.1 This bylaw may be cited as the "Parks & Open Space Areas Bylaw".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- 2.1 **Council:** means the Council for Kneehill County
- 2.2 **County:** means the municipality of Kneehill County, a Municipal Corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said municipality
- 2.3 **Enforcement Officer:** means any Peace Officer, Enforcement Officer, RCMP Officer, Bylaw Officer or person authorized by Council to enforce the provisions of this Bylaw
- 2.4 **Guide:** person who for remuneration leads or guides persons on recreational trips or tourism excursions
- 2.5 **Municipal Bylaw:** means any law passed by the Council of Kneehill County
- 2.6 **Municipality:** means the municipality of Kneehill County, a Municipal Corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said Municipality
- 2.7 **Open Space Area:** shall mean any land in the Kneehill County that is either undeveloped or developed, used, leased, controlled or managed by the County as natural areas, municipal reserve (MR), municipal and school reserve (MSR), environmental reserve (ER), public utility lots and includes boulevards and medians within road right of ways in hamlets, or recreational area, including, without limiting the generality of the foregoing, all lands in the County that are jointly controlled or managed by the County for any of the purposes previously described
- 2.8 **Park:** means a public space controlled by Kneehill County and set aside as a Park to be used for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:
- a. Playgrounds;

- b. Campgrounds;
  - c. Day Use Areas;
  - d. Natural Areas;
  - e. Outlooks;
  - f. Park Roadways;
  - g. Pathways;
  - h. Sports Fields;
  - i. Trails
- 2.9 **Pathway:** means a multi-purpose thoroughfare controlled by the County and designated for use as posted by, pedestrians, cyclists and persons using wheeled conveyances, which is improved by asphalt, gravel, concrete, brick, or any other surface, and includes any bridge or structure with which it is contiguous
- 2.10 **Person:** means any individual, partnership, firm, corporation, society or association
- 2.11 **Penalties:** Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule B
- 2.12 **Post:** means to erect, place, or mark appropriate control devices for the purpose of regulating, warning or guiding traffic or pedestrian movement and activities
- 2.13 **Sign:** means any device posted under the direction of the CAO or designate to control traffic and pedestrian movement or activities
- 2.14 **Trail:** means an established path within a park or open space area, used by pedestrians or Cyclists, or both or as posted, and which is not improved by concrete, asphalt or brick and includes any bridge or structure with which it is contiguous
- 2.15 **Vehicle:** means a vehicle within the meaning of the Traffic Safety Act
- 2.16 **Violation Ticket:** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act. S.A. 2000, cP-25(1), as amended, and regulations thereunder
- 2.17 **Waste:** means anything that is discarded
- 2.18 **Unmanned Aerial Vehicle:** any aircraft that is piloted remotely with no human pilot aboard.

### 3. APPLICATION

- 3.1 This Bylaw shall apply to all County owned parks and open space areas in the County, subject however, to the exceptions provided in any statute of the Province of Alberta or any agreement entered into by the County affecting any park and open space areas or part thereof.
- 3.2 The CAO or designate shall have general supervision, charge and control of the management and operation of any park and open space area in accordance with policies adopted by Council.

### 4. PURPOSES OF PARKS & OPEN SPACES

- 4.1 Parks and open space areas as named within Schedule "A" are established, and are to be maintained:
- a. for the preservation of the County's natural heritage;
  - b. for the conservation and management of flora and fauna;
  - c. for the preservation of specified areas, landscapes and natural features and objects in them that are of geological, cultural, historical, archaeological, anthropological, palaeontological, ethnological, ecological or other scientific interest or importance;

- d. to facilitate their use and enjoyment for outdoor recreation, education and the appreciation of the County's natural heritage;
- e. to ensure their lasting protection for the benefit of present and future generations;
- f. to prohibit activities that damage County assets and jeopardize public safety.

## 5. MUNICIPAL BYLAWS

- 5.1 Any person engaging in any activity or stay at a park or open space area within Kneehill County must also abide by all other municipal bylaws and policies while within the park or open space area.

## 6. PARK AND OPEN SPACE AREAS USE

- 6.1 The CAO or designate may:

- a. Designate areas of a park and open space area which may be permitted to the exclusive use of a person or group, and the conditions upon which exclusive use may be made of an area;
- b. Exclude an area from use by the public;
- c. Make regulations for the orderly use of facilities within a park and open space areas;
- d. Make regulations for the orderly use of a park and open space area, including the prohibition of activities in a park or a portion of a park which may not otherwise be prohibited by this bylaw;
- e. Designate off leash dog areas and areas prohibited by dogs.

- 6.2 Those parks and open space areas owned by Kneehill County and located on the South West of Section 27 Township 28 Range 21 West of the 4th Meridian, also known as "Horseshoe Canyon", are to be protected and preserved for environmental and conservation purposes, as follows:

- a. The lands known as "Horseshoe Canyon" shall not be developed.
- b. Notwithstanding point 6.2 (a) , the portion of the Lands that sit above the canyon may be developed solely for the purpose of a day-use area, overnight campground and such necessary and ancillary structures incidental to the day-use or overnight campground use.
- c. Notwithstanding point 6.2 (a.) , the County may make such alterations or development of the Lands, both above the canyon and in the canyon, to allow for walking trails, bicycle paths, or such other minimally environmentally invasive alterations or developments.
- d. Subject to point 6.2 (a.), (b.), and (c.), no off-road vehicles including and without limiting the generality of the foregoing, snowmobiles, all-terrain vehicles, dirt bikes, or any other motorized vehicles customarily used for off-road transportation shall be used on the Lands, provided however, that four-wheel drive vehicles or off-road vehicles used for the construction of such permitted alterations and developments, and the maintenance of such permitted alterations and developments are allowed.

## 7. WATER

- 7.1 No person within a park or open space area shall enter a body of water under the control of Kneehill County or located in or flowing through a park or open space area unless otherwise posted.
- 7.2 Notwithstanding Section 7.1 shall not apply to:
- a. A person authorized by the CAO or designate to enter a body of water;
  - b. Bodies of water designated by the Municipality for a specific use by the public;
  - c. A person authorized by the CAO or designate to use a boat or water craft of any nature or kind on the water as they deem necessary and upon the terms and conditions specified.
  - d. Those bodies of water controlled by Her Majesty the Queen.
- 7.3 For those areas designated for watercrafts, the use of motorized boats of any size are prohibited.
- 7.4 Notwithstanding, Section 7.3 shall not apply to:
- a. A person or persons authorized by the CAO or designate to carry out municipal workings in or on a body of water.

## 8. BUSINESS ACTIVITIES

- 8.1 The CAO or designate may make regulations governing the sale of goods and services in a park or open space area.
- 8.2 In a park or open space area, no person shall, without prior written approval from the CAO or designate and payment of any fee payable as per the Master Rates Bylaw:
- a. place a sign or device of any kind advertising or publicizing any commercial venture or facility; or
  - b. place or leave any goods or merchandise in order to display the same for sale; anywhere in a park or open space area;
  - c. distribute any handbills or circulars;
  - d. use any public address system for advertising;
  - e. make available, for sale, or offer goods or services;
  - f. carry on any business of any kind or nature whatsoever or solicit for any business, trade or occupation.

## 9. GUIDE AND INSTRUCTOR PERMITS

- 9.1 No personnel shall for at no cost or remuneration, act as a guide or conduct a course of instruction in an outdoor activity in a park or open space area, unless:
- a. that person is the holder of a permit authorizing that person to do so and issued under this section by the CAO or designate.
  - b. Has written approval from the CAO or designate authorizing such activities.
- 9.2 The CAO or designate may provide for the issuing of permits for guiding or instruction in an outdoor activity in a park or open space area and may require:
- a. the applicant or the holder of a permit to provide evidence that the person or activity is covered by a policy of insurance providing adequate protection against public liability and property damage;
  - b. the permit holder to adhere to times in which the activity may be carried out;

- c. reporting related to the activity that is the subject of the permit.

#### 10. PUBLIC GATHERINGS and SPECIAL EVENTS

- 10.1 In a park or open space area, no person shall, without prior written approval and/or proper permits from the CAO or designate and payment of any fee payable as per the Master Rates Bylaw:
  - a. Take part in any procession, performance, ceremony, concert, march, drill, parade, or public gathering;
  - b. Make a public address or take part in a demonstration; or
  - c. Operate any amplifying system or loudspeaker.
- 10.2 Such approval shall not be denied without reason.

#### 11. ANIMALS IN PARKS AND OPEN SPACE AREAS

- 11.1 No person shall enter an open spaces area with an unleashed dog or animal, unless it is a designated off-leash area.
- 11.2 No person shall permit a dog or animal other than a guide dog to enter a park or open spaces area where such entry is prohibited.
- 11.3 The CAO or designate may refuse to admit to any park or open spaces area, or require to be removed, any animal if the officer considers it not under control or may be a nuisance or a danger to the life, safety, health, property or comfort of any person in the park or open spaces Area.
- 11.4 The CAO or designate may capture any animal running at large in a park or open spaces area.

#### 12. FIREARMS

- 12.1 While in a park or open space area no personnel shall, without prior written approval from the CAO or designate, carry or discharge any firearms of any description.

#### 13. DANGEROUS OBJECTS

- 13.1 While in a park or open space area, no person shall, except in an area designated for that purpose or unless prior written approval has been obtained by the CAO or designate:
  - a. Carry or discharge any fireworks, explosive devices or rockets of any description in, on, to or across a park or open space area;
  - b. Set off, launch or operate any Unmanned Aerial Vehicle, glider or hot air balloon, any rocket, missile, or any dangerous objects, on, to or across a park or open space area; or
  - c. Propel a golf ball in any manner in, on, to or across a park or open space area.

#### 14. DAMAGE TO PROPERTY

- 14.1 While in a park or open space area, no person shall without permission from the CAO or designate, or appropriate permits from relevant government agencies:
  - a. Destroy, deface or remove any vegetation, whether alive or dead;
  - b. Destroy, deface or damage any development;
  - c. Dig, disturb or remove any mineral substance including soil, sand, gravel or rock;
  - d. Damage, dig, disturb, deface, destroy or remove any fossils, bones or historical artifacts;
  - e. Damage or destroy any wildlife habitat;

- f. Harass, feed or otherwise interfere with any animal.

#### 15. REMOVALS

- 15.1 The CAO or designate, or Enforcement Officer may remove or have removed any person that violates any provision of this bylaw and who has refused to leave after being requested to do so.

#### 16. WASTE

- 16.1 No person shall place or deposit in any park or open space area, except in a waste receptacle provided for such purpose, any paper, cardboard, plastic, glass, or any other waste of any kind.
- 16.2 No person shall carry, transport or deposit any offsite waste of any kind or deposit offsite waste into waste receptacles.
- 16.3 In a park, no person shall leave or dispose of waste that is burning.
- 16.4 No person shall urinate or defecate in a park except in a public washroom or portable facility provided for that purpose.

#### 17. FIRES

- 17.1 No person shall ignite or allow a fire to burn in a park or open space area except in a fire pit, portable appliance fueled by propane, or other receptacle intended for such use and provided by the County.
- 17.2 No person shall set, light, or maintain a fire anywhere where that activity is prohibited by a municipal or provincial fire ban.
- 17.3 No person in a park or open space area shall burn:
  - a. treated lumber;
  - b. tires or rubber; or
  - c. plastics or any other similar item which may emit a noxious smell when burned.
- 17.4 No person, in a park, shall:
  - a. allow a fire to get out of control;
  - b. leave a fire unattended.
- 17.5 Every person who has a fire in a park or open space area must ensure that such fire is extinguished completely, leaving only cold ashes, prior to leaving the site of the fire.

#### 18. VEHICLES

- 18.1 No person shall operate a vehicle in a park or open space area except on a designated roadway, except for County maintenance vehicles and equipment, and emergency vehicles
- 18.2 No person shall park a vehicle in a park or open space area except in an area designated for parking.

#### 19. OFF-HIGHWAY VEHICLES

- 19.1 No person shall operate or use an off-highway vehicle, or any similar specialized means of conveyance, with the exception of County maintenance vehicles and equipment, and emergency vehicles, unless authorized by the CAO or designate
- 19.2 No person shall park or leave a motor vehicle, boat, piece of towed equipment or accommodation unit in a park or open space area other than in designated campsites or other parking areas designated for such purposes.

**20. CAMPING**

- 20.1 No person shall camp or set up a tent or take up any temporary abode in a park or open space area, unless in an area designated for such use by the CAO or designate and the appropriate fee as stated in the Master Rates Bylaw has been paid.
- 20.2 No person shall willfully contravene regulations issued for any campground by the CAO or designate.

**21. PARK USE**

- 21.1 The CAO or designate may temporarily close any park or open space area or any part thereof to public use.

**22. PARK HOURS and OPENINGS**

- 22.1 The CAO or designate may, from time to time, establish hours of operation for each park or open space area or areas, as well as establish seasonal openings.

**23. GENERAL POWERS of CAO or DESIGNATE**

- 23.1 The CAO or designate may, as they deem necessary for the administration, preservation and protection or public safety of patrons of any park or open space area:
- a. close or restrict the use
  - b. prohibit all kinds of fires
  - c. vary the time it is open to the public
  - d. designate speed limits
  - e. designate wading and swimming areas
  - f. designate boat launch areas
  - g. designate or restrict tobogganing and sliding areas
  - h. designate or restrict trail and pathways uses
  - i. designate or restrict where horse riding is allowed
  - j. designate where kites, hot air balloons or gliders may be launched and where remote controlled vehicles, planes, unmanned aerial vehicles, and boats may be operated.
  - k. remove from park or open space area:
    - i. any person making unauthorized use of the park,
    - ii. any person failing to comply with any provisions of this Bylaw, and
    - iii. any person creating a nuisance or disturbance or committing a trespass or any undesirable act.

**24. FEES**

- 24.1 A person shall pay required fees as per the Master Rates Bylaw for camping in designated areas as well as any other park or open space area entrance or activity fees established under this or any other bylaw.

**25. PENALTIES**

- 25.1 Any person in contravention of any section of this Bylaw is guilty of an offence and is upon summary conviction, liable to the penalties imposed pursuant to this Bylaw.
- 25.2 Where there has been a breach of this Bylaw, an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedure Act.

26. VIOLATION TICKETS AND SPECIFIED PENALTIES

- 26.1 Where an Enforcement Officer believes that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000 C. P-24.
- 26.2 The specified penalty payable in respect of a violation of a provision of this Bylaw shall be the amount shown as the specified penalty in Schedule "B" of this Bylaw in respect of that provision.
- 26.3 If a person commits the offences in an area that is undergoing construction or maintenance, the specified penalty for that offence is double the specified penalty set out for that offence in Schedule "B".
- 26.4 This section shall not prevent any Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, R.S.A. 2000 C. P-24, or from laying an information in lieu of issuing a violation ticket.

27. GENERAL

- 27.1 Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation other bylaw or any requirements of any lawful permit, order, consent or other direction.
- 27.2 Where this Bylaw refers to another act, regulation or agency, it includes reference to any act, regulation or agency that may be substituted therefore.
- 27.3 Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 27.4 This Bylaw will be passed and come into effect when it has received third and final reading and has been signed by the Reeve and CAO.

This Bylaw Repeals Bylaws 639 and 1542.

**READ** a first time on this 25<sup>th</sup> day of April 2017.

**READ** a second time on this 25<sup>th</sup> day of April 2017.

**UNANIMOUS** permission for third reading given in Council on the 25<sup>th</sup> day of April 2017.

**READ** a third time and final time of this 25<sup>th</sup> day of April 2017.

MAY 1, 2017  
 \_\_\_\_\_  
 Date Bylaw Signed

  
 \_\_\_\_\_  
 Reeve  
 R. L. (Bob) Long  
  
 \_\_\_\_\_  
 Chief Administrative Officer  
 Al Hoggan



## **BYLAW NO 1733**

### **SCHEDULE A – Designated Areas of Parks and Open Spaces**

Areas of Kneehill County designated as Parks or Open Space Areas and are governed by this Bylaw:

- Keiver's Lake Campground and Recreation Area
- Horseshoe Canyon Day Use Area and all lands contained within the designed areas owned by Kneehill County
- Orkney Lookout Day Use Area
- Swalwell Dam and Campground
- Braconnier Dam and Campground
- Torrington Campground
- All Open Spaces, Day Use Areas, Environmental Reserves, Municipal Reserves, Parks, Ball Diamonds, Soccer Fields, Sport Courts and Playgrounds owned or operated by Kneehill County

## BYLAW NO 1733

### SCHEDULE B – PENALTIES

Offence	First Offence	Second Offence	Third Offence	
1	Swimming or wading where prohibited in a park or open space area	150	250	500
2	Jumping off amenity into water in a park or open space area	150	250	500
3	Launching boat where prohibited in a park or open space area	150	250	500
4	Use of motorized boat where prohibited in a park or open space area	150	250	500
5	Set off, launch, discharge any unauthorized things in a park or open space area	500	1000	2000
6	Un-authorized commercial venture in a park or open space area	500	1000	1500
7	Erect an unauthorized sign	150	500	1500
8	Failure to produce Permit on demand	150	250	500
9	Interference with use of a Permit holder	150	250	500
10	Un-authorized public gathering or event in a park or open space area	150	500	1500
11	Disobey or remove a sign in a park or open space area	150	250	500
12	Operate prohibited items in a park or open space area	150	250	500
13	Damage or interfere: park or open space area, contents or animals	150	500	1500
14	Damage or use an amenity, pathway or trail for other than intended purpose	150	500	1500
15	Stunting or unsafe activity on a pathway park or open space area trail or amenity	150	250	500
16	Activity which may injure, disturb or damage park or open space area, amenity or users	150	250	500
17	Activities prohibited by this bylaw or any other in a park or open space area	150	250	500
18	Remain in a park or open space area when closed	150	250	500
19	Improper waste disposal in a park or open space area	500	750	1500
20	Improper waste disposal from a vehicle	750	1000	1500
21	Dispose of burning waste in a park or open space area	1000	1500	2000
22	Urinate or defecate in a park or open space area	150	250	500
23	Unauthorized fire in a park or open space area	150	500	750
24	Removal or cutting down of park or open space vegetation for fire	150	250	500
25	Fire: improper hours, non-designated area, care and control	150	250	500
26	Operate portable cooking device, barbeque or stove in non-designated area	150	250	500
27	Operate a vehicle in a park or open space area off roadway	150	250	500
28	Park a vehicle outside authorized areas	150	250	500
29	Speeding in a vehicle in a park or open space area	150	250	500
30	Camp or erect tent or structure in a non-designated area	150	250	500
31	Failure to pay for camping in designated areas	150	250	500
32	Bring, plant, build, apply prohibited things in a park and open space areas	150	250	500
33	Disobey a Flagger, County Employee or Enforcement Officer	150	250	500
34	Ride a Bicycle or Wheeled Conveyance on non-designated Pathway or Trail or park or open space	150	250	500
35	Enter an park or public space area where closed or prohibited	150	250	500
36	Unsafe activities on pathway or trails	150	250	500
37	Failure to comply with an order	250	500	1500

38	Impound Fee	Cost	Cost Plus 250	Cost Plus 500
39	Failure to keep animal under control of an adult person	250	500	1000
40	Unleashed animal running at large	250	500	1000
41	Barking or howling repeatedly or on a regular basis	200	400	600
42	Dog Bites, Attacks, or causes severe injury to any person or animal	250	If deemed dangerous pursuant to <i>Dangerous Dogs Act</i> fine is 1500	