



BYLAW 2019-09

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE OF PARKS

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

1: TITLE

1.1. This bylaw shall be known as the "Parks Bylaw."

2: INTERPRETATION

2.1. In this bylaw:

- a) "Bicycle" means bicycle as defined in the Traffic and Road Use Bylaw, as amended.
- b) "Motorized Boat" means a vessel, device, or object of any sort or kind in, on, or by which a person or thing may be transported on or through water and which is powered by machine or motor. Without restricting the generality of the foregoing, this includes boats, rafts, zodiacs or other inflatables, jet skis and any other water craft.
- c) "Off-Highway Vehicle" means an off-highway vehicle as defined in the Traffic Safety Act, as amended.
- d) "Park" means any land developed, used or managed by the Town for the purposes of recreation or community uses of the public, including but not limited to a public park, sport field, playground, tennis court, bike park, skateboard park, outdoor recreational area or facility, trail, off-leash dog park, plaza, and undeveloped natural areas including all buildings and structures located in those areas;
- e) "Peace Officer" means:
 - i) a person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act, as amended;
 - ii) a person appointed as a Peace Officer pursuant to the Peace Officer Act, as amended; or
 - iii) a police officer.
- f) "Permit" means written permission and includes either a permit or a booking confirmation;
- g) "Special Event" means any activity or event that is open to, or intended to attract, the general public;
- h) "Vehicle" means a vehicle as defined in the Traffic Safety Act, as amended.

Bylaw approved by: AT JB

- i) "Violation Tag" means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;
- j) "Violation Ticket" means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder;

2.2. Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

3: SCOPE AND AUTHORITY

3.1. The chief administrative officer is authorized to:

- a) establish rules and regulations, consistent with this bylaw, for the purpose of controlling use of Parks; and
- b) issue Permits allowing activities to occur within a Park which are otherwise prohibited under Part 7 of this bylaw.

3.2. This bylaw does not apply to Town staff and its agents and contractors when they are carrying out their normal duties or functions.

4: HOURS OF OPERATION

4.1. When the chief administrative officer has established times that a Park is closed to the public, the closure must be indicated by a sign.

4.2. No Person shall enter into or remain in a Park when a sign indicates it is closed, unless the Person:

- a) Holds a Permit authorizing the use of the Park, or
- b) Is attending a function or event that has been Permitted.

5: NON-MOTORIZED VEHICLES

5.1. When the chief administrative officer has established areas in a Park where the operation of bicycles, skateboards, scooters, rollerblades or other non-motorized vehicles is prohibited, the prohibition must be marked by a sign.

5.2. All persons are prohibited from operating bicycles, skateboards, scooters, rollerblades or other non-motorized vehicles in areas in a Park where a sign indicates the activity is not Permitted.

6: PROHIBITED ACTIVITIES

- 6.1. No Person shall damage, deface, destroy, mark, burn, move, remove, or otherwise interfere with:
- a) any structure, fence, building, wall, bench, exhibit, fixture, improvement, sign, or any other property located in a Park; or
 - b) vegetation, grass, ground cover, soil, sand, gravel, wood, or any other material located in a Park.
- 6.2. No Person shall climb on to, or over top of, any fence, building, tree, or structure not intended for climbing in a Park.
- 6.3. No Person shall engage in any activity in the Park which does or may:
- a) Disturb the use or enjoyment of another user of a Park, or
 - b) injure any other user of a Park.
- 6.4. No Person shall tease, harass, or otherwise interfere with any wild animal in a Park.
- 6.5. No Person shall deposit sewage onto the ground in any Park.
- 6.6. No Person shall jump or rappel from any Town owned infrastructure into a body of water.
- 6.7. No Person shall operate a Motorized Boat on Quarry Lake.
- 6.8. No Person shall, remove or use the lifesaving equipment at Quarry Lake unless it is for the sole purpose of saving a life.

7: ACTIVITIES PROHIBITED UNLESS A PERMIT HAS BEEN ISSUED

- 7.1. No Person shall engage in the following activities in a Park unless the chief administrative officer has issued a Permit for the activity:
- a) operate an amplified or loudspeaker device;
 - b) make a public address or demonstrate or do any other thing likely to cause a public gathering or attract public attention in any Park;
 - c) place or erect any signs or billboards for the purpose of advertising or providing information;
 - d) distribute any handbills, pamphlets, advertising or printed information;
 - e) operate any remote control device including, but not limited to a drone, unmanned aerial vehicle (UAV), planes, helicopters, boats or cars;
 - f) offer for sale or sell any goods or services;

- g) operate a vehicle or an off-highway vehicle;
- h) bring a horse or livestock;
- i) erect, maintain, or occupy a tent, shelter, building, or structure,
- j) build, erect, place, remove or modify any pathway or trail;
- k) build, erect or create a structure, including but not limited to a jump or ramp;
- l) leave, place, store, deposit, or hoard anything;
- m) a wedding;
- n) a special event;
- o) a commercial film production;
- p) use a Park as access or egress for a Motorized Boat to a water body; or
- q) stay overnight.

8: PERMITS

- 8.1. A Permit is not valid unless it is in writing and authorized by the chief administrative officer.
- 8.2. The chief administrative officer is authorized to:
 - a) establish Permit fees, and
 - b) place any conditions on a Permit that the chief administrative officer considers reasonable.
- 8.3. A Permit is valid only for the period of time it is granted.
- 8.4. The chief administrative officer may amend, vary or revoke a Permit at any time.
- 8.5. A Permit holder shall comply with the conditions of the Permit.
- 8.6. A Permit holder shall have the Permit available for review and inspection at all times when exercising the rights granted under the Permit and shall produce the Permit upon the demand of an Officer.
- 8.7. Any person who relies on a Permit is responsible for proving that they were the holder of a valid and subsisting Permit.

8.8. No Person shall interfere with the use and enjoyment of Persons holding a valid and subsisting Permit for the exclusive use of a Park or portion of a Park, during the times and in the areas for which the Permit is granted.

9: INSPECTIONS AND SEIZURES

9.1. When necessary for purpose of enforcing this bylaw, a Peace Officer is authorized to:

- a) enter any tent, shelter, building, or structure within a Park;
- b) seize and impound any item in a Park that is:
 - i) used or operated in contravention of this bylaw; or
 - ii) deemed by a Peace Officer to be lost or abandoned.

9.2. A Peace Officer who removes and stores an item pursuant to section 9.1 shall not be responsible for any damage that may occur to the item during removal and storage.

9.3. The Town shall dispose of any item not claimed within 30 days.

9.4. Any item seized and impounded in accordance with this bylaw shall be returned to the owner upon payment of the fee specified in Schedule B.

9.5. Fees charged in accordance with section 9.4 shall be in addition to any penalty paid in lieu of prosecution.

10: ENFORCEMENT AND PENALTIES

10.1. Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.

10.2. Any person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable to a minimum penalty of \$100.00.

10.3. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

10.4. A Violation Tag may be issued to such person:

- a) either personally; or
- b) by mailing a copy to such person at their last known address.

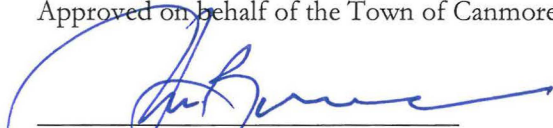
- 10.5. The person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 10.6. If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended.
- 10.7. Notwithstanding section 10.3 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 10.8. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.
- 10.9. Nothing in this bylaw shall be construed as curtailing or abridging the right of the Town to obtain compensation or to maintain an action for loss of or damage to property from or against the person responsible.
- 10.10. Any compensation received pursuant to section 10.9 shall be in addition to any penalty paid in lieu of prosecution.

11: ENACTMENT/TRANSITION

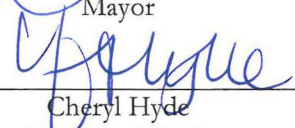
- 11.1. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 11.2. Schedule A and B form part of this bylaw.
- 11.3. Bylaws 27-97 and 34-2004 are repealed.
- 11.4. This bylaw comes into force on the date it is passed.

FIRST READING: April 2, 2019
 SECOND READING: April 2, 2019
 THIRD READING: April 2, 2019

Approved on behalf of the Town of Canmore:



 John Borrowman
 Mayor



 Cheryl Hyde
 Municipal Clerk

 April 4, 2019
 Date

 April 3, 2019
 Date

Bylaw approved by:  

Schedule A – Specified Penalties

Section	Description	Specified Penalty
6.1	Damage, deface, destroy, mark, burn, move, remove, or otherwise interfere with: a) any structure, fence, building, wall, bench, exhibit, fixture, improvement, sign, or any other property located in a Park; or b) vegetation, grass, ground cover, soil, sand, gravel, wood, or any other material located in a Park.	\$200
6.2	Climb on to, or over top of, any fence, building, tree, or structure not intended for climbing in a Park.	\$200
6.4	Tease, harass, or otherwise interfere with any wild animal in a Park.	\$200
6.5	Deposit sewage onto the ground in any Park.	\$500
6.6	Jump or rappel from any Town owned infrastructure into a body of water.	\$500
6.7	Operate a Motorized Boat on Quarry Lake.	\$500
6.8	Remove or use the lifesaving equipment at Quarry Lake unless it is for the sole purpose of saving a life.	\$500
7.1(e)	Operate any remote control device including, but not limited to a drone, unmanned aerial vehicle (UAV), planes, helicopters, boats or cars in a Park.	\$500
7.1(g)	Operate a vehicle or an off-highway vehicle in a park.	\$200
7.1(j)	Build, erect, place, remove or modify any pathway or trail in a Park	\$200
7.1(k)	Build, erect, or create a structure, including but not limited to a jump or ramp in a Park.	\$200
7.1(l)	Leave, place, store, deposit, or hoard anything in a Park.	\$200
7.1(p)	Use a Park as access or egress for a Motorized Boat to a water body.	\$200

Schedule B – Impoundment and Storage Fees

Impoundment: \$50.00

Storage: \$10.00 per day or portion of thereof.

Bylaw approved by: CAJ JA