

Mountain View County
Province of Alberta

Bylaw No. 05/08

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL AND OPERATION OF MUNICIPAL RESERVES, PARKS AND CAMPGROUNDS

101. Whereas, the provisions of the *Municipal Government Act* as amended, provides Council the authority to pass a Bylaw respecting all matters pertaining to services provided by Mountain View County (the "County").

DEFINITIONS

201. In this Bylaw:

- a. "Bylaw" may be referred to as the "Parks Bylaw";
- b. "Aircraft" includes any type of device designed to carry persons or objects through the air in powered or powerless flight;
- c. "Animal" means a domestic animal and includes an animal that is wild by nature but has been domesticated;
- d. "Bylaw Tag" means a notice or form having printed wording approved by the Chief Administrative Officer to any person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the County in the amount specified in this bylaw or in the *Traffic Safety Act*, as amended or the regulations pursuant to the *Provincial Offences Procedure Act*, as amended.
- e. "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 passenger vehicle
- f. "Camp" means locating of, erecting of, or use of a camping accommodation unit for the provisions of sleeping accommodation, and includes sleeping overnight or any portion thereof, in the open air;
- g. "Campsite" means a designated/assigned/allotted campsite in a park or campground designated as an individual campsite under this Bylaw;
- h. "Council" means the Council of Mountain View County;
- i. "County" means Mountain View County;
- j. "Day use area" means a park, or portion thereof, designated by Council for use by park patrons between the hours of 7:00 a.m. and 11:00 p.m., unless otherwise posted;
- k. "Fireban" means a general fire prohibition as authorized by Council under the County's Fire Ban Bylaw;

- l. "Firearm" means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things;
- m. "Highway" means a highway as defined in the *Traffic Safety Act*;
- n. "Manager of Agriculture and Parks Services" means the County representative that manages Park Operations;
- o. "Motor Vehicle" means a motor vehicle as defined in the *Traffic Safety Act*;
- p. "Liquor" means liquor as defined in the *Gaming & Liquor Act*;
- q. "Municipal Reserve" means land designated as municipal reserve by reason of any subdivision approval or by Council, pursuant to the *Municipal Government Act*;
- r. "Off-Highway Vehicle" means an off highway vehicle as defined in the *Traffic Safety Act*;
- s. "Park" means land designated as park, campground, day use area or recreation area by the Council;
- t. "Park Officer" means a person employed by a Park Operator;
- u. "Park Operator" means a person that has entered into an agreement with Council to operate a County owned park. In the event that the operation of a park is not contracted, Mountain View County will by default act as the Park Operator.
- v. "Peace Officer" means a Community Peace Officer as appointed under the authority of the *Police Act* and employed as such by Mountain View County, Conservation Officers appointed under the *Wildlife Act*, or a member of the Royal Canadian Mounted Police.
- w. "Violation Ticket" means a summons violation ticket issued under Part 2 or Part 3 of the *Provincial Offences Procedures Act*.

COUNCIL

- 301. The Council 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 Bylaw;
 - c. The removal of vehicles will be in compliance with the *Traffic Safety Act*.
 - d. Close any part of any park permanently, or for a specified period of time; or
 - e. Subject to the *Gaming and Liquor Act*, prohibit the use of liquor in any part of any park for a specified period of time;
 - f. Council may establish "Day Use" areas in any part of any park.

PARK OFFICERS

401. The Park Officer may prohibit a person from entering, or being in a park, for a specified period of time.
402. Council may appoint Park Operators and a Park Operator may appoint Park Officers, necessary for the administration of this Bylaw.
403. Park operator and officers must be clearly identified by attire, including the corporate logo (County or Contractor).
404. Peace Officers and Park Operators have the same powers that are conferred on a Park Officer under this Bylaw.
405. For the purpose of administering the Bylaw, Park Officers and Park Operators only have jurisdiction in the Park that they were hired to maintain, and may:
 - a. Enter on and inspect any land, road structure or work in a park; or
 - b. Order the repair, alteration, improvement, evacuation or removal of, or addition to any unauthorized structure or work in a park; or
 - c. Order any person in a park to cease or refrain from any action, omission or conduct that in the opinion of the Park Officer is an offence, dangerous to life or property, or detrimental to the use and enjoyment of the park by other people; or
 - d. Require any person in a park to inform a Park Officer of
 - (i) his name, birth date, address and occupation of his or herself, and
 - (ii) his intended use of the park; or
 - e. Information collected can not be used except for the intended purpose for which it was obtained, in accordance with the *Freedom of Information and Protection of Privacy Act*.
 - f. Remove from a park
 - (i) any person making an unauthorized use of the park; or
 - (ii) any person failing to comply with any provisions of this Bylaw; or
 - (iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.
 - g. Refuse to admit entry of any person to a park.
 - h. A Park Officer may prohibit the entry of a motor vehicle into any part of the park in which they are designated as a Park Officer
 - i. If a Park Officer prohibits the entry of a motor vehicle under Subsection (h) above, no person shall operate the motor vehicle in that part of the park.

ABANDONMENT AND SEIZURE OF VEHICLES

501. Seizure of vehicles will be in accordance with the *Traffic Safety Act*.

PARK PATRONS

601. Orders of Park Officer
- a. No person shall fail or refuse to comply with a lawful order or request of a Park Officer.
 - b. No person shall obstruct or hinder a Park Officer in the execution of his duties.
 - c. No person or group who has been removed from a park pursuant to Section 404(f) of this Bylaw shall, within the following Seventy-Two (72) hour period, enter or attempt to enter that park or any other Park or Day-Use area owned by Mountain View County.
 - d. No person who has been prohibited from a park pursuant to Section 401 of this Bylaw shall enter or attempt to enter that park without permission of the Park Operator.
 - e. A Park Officer may cancel a permit if the holder of the permit contravenes this Bylaw and the holder of the permit and other persons associated with him shall vacate the park within one hour of being notified of such.
 - f. No person shall enter or remain in any park or portion of a park where travel or access restrictions have been imposed under this Bylaw.
602. Quiet and Peaceful Enjoyment
- a) No person shall interfere with the quiet and peaceful enjoyment of a park by others.
 - b) Quiet hours are 11:00pm to 8:00am. Generators and other loud appliances and equipment are prohibited during the quiet hours, unless otherwise posted.
603. Fires
- a) No person shall:
 - (i) leave a fire unattended or allow it to spread; or
 - (ii) dispose of hot coals, ashes, embers or any burning or smoldering material in a place other than a stove, fire pit or other place provided for that purpose; or
 - (iii) leave a fire, hot coals, or smoldering materials without extinguishing them prior to leaving the campsite or the park.
 - (iv) Set, light or maintain a fire in a park except in a fireplace, pit or other facilities designed for that purpose.
 - b) No person shall set, light or maintain a fire in a park or part of a park, where signs or notices have been erected prohibiting such acts.
 - c) Where the Park Operator is of the opinion that a fire hazard exists in a park, after receiving permission from the Manager of Agriculture and Parks Services may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the Park.
604. Vehicles
- a) No person shall operate a motor vehicle, within a park except:
 - (i) on a highway as defined in the *Traffic Safety Act*, or
 - (ii) with written authorization from Mountain View County, in the case of an area that is not a highway.
 - b) No person shall:

- (i) Within a park, operate or ride an off highway vehicle or any other such specialized means of conveyance, whether motor driven or propelled by human power;
 - (ii) Subsection (a) above does not apply to bicycles, vehicles designed to assist the physically challenged or special circumstances exempted by the Park Operator and approved by Mountain View County.
 - (iii) Subsection (b) does not apply to off-highway vehicles involved in park maintenance and operations.
 - c) 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 or left in a park other than in parking areas designated for that purpose by the Park Operator.
605. Park Entry
- a) A person engaging in an activity under this Bylaw shall pay the fee in respect to that activity that is required and set by Mountain View County.
 - b) A person who enters a park shall comply with:
 - (i) any lawful order and instructions made or issued pursuant to this Bylaw, and
 - (ii) the instructions, prohibitions and directions prescribed by all signs and notices.
606. Nuisances
- a) A person using a park shall keep the land and improvements in a condition satisfactory to a Park Officer.
 - b) A person vacating a park shall restore the land and improvements as nearly as possible, to a clean and tidy condition.
 - c) If, in the opinion of a Park Officer, a nuisance exists the Park Officer may order the person causing the nuisance to abate the nuisance or clean the site, or both.
 - d) Where a person fails to comply with an order made pursuant to Subsection (a) above, the Park Officer may take whatever steps are necessary to address or abet the nuisance or clean the site, or both, and the cost of doing so is recoverable from the person who failed to comply with the Order as a debt.
 - e) No person shall display or post any signs or advertisements in the park other than signs and advertisements approved by Mountain View County or the Park Operator.
 - f) No person shall remove, deface, damage or destroy any sign board, sign or notice posted or placed in any park, under authority of this or any other Bylaw or Act.
 - g) No person shall deposit liquid or solid waste matter in a park, except in a receptacle provided for that purpose by Mountain View County.
 - h) No person shall bring commercial or residential waste matter into a park for disposal.
 - i) In areas in a park where waste disposal receptacles or areas are not provided, all park users shall carry any waste produced by them out of the area, for disposal.

- j) No person shall bath, clean clothing, fish, cooking or eating utensils, vehicles, camping accommodation unit or other equipment at or near a drinking fountain, stand pipe, well or pump in any park.
- k) No person shall remove water from a park except for the personal use of himself and his party in the camping accommodation unit he is using at the time.

607. Camping

- a) No person shall remain overnight in a park:
 - (i) except in an area designated for overnight use, unless he is otherwise authorized by a Park Officer, and
 - (ii) unless he has a valid permit under this Bylaw to do so.
- b) Where a campground within a park is developed with individual campsites, only the following motor vehicles and camping accommodation units are permitted to be kept in an individual campsite unless a Park Officer gives written permission to the contrary:
 - (i) two motor vehicles, that are not a camping accommodation unit;
 - (ii) in addition to the motor vehicles referred to in clause (i), one camping accommodation unit of any kind, including a camping accommodation unit that is a motor vehicle;
 - (iii) in addition to the camping accommodation unit referred to in clause (ii) above, one tent may be permitted at the discretion of the Park Operator.
- c) No person in whose name is issued a permit for use of an individual campsite shall bring into or permit to remain on the subject campsite more vehicles or camping accommodation units than are permitted by Subsection (a).
- d) No person who is visiting a person camped in an individual campsite, shall park his motor vehicle or remain at the campsite after the posted day use hours or 11:00 p.m, whichever is earliest.
- e) A person visiting a person camped in an individual campsite, shall park his motor vehicle in a designated area.
- f) Not more than six (6) people may occupy an individual campsite unless they are all members of a single-family unit.
- g) Subsection (F) shall not apply to group sites.
- h) Subsection (a) shall not apply to holders of Seasonal Permits at Westward Ho that have made prior arrangements with the Park Operator.

608. Liquor

- a) No person shall contravene the provisions of the *Gaming & Liquor Act*, and regulations.
- b) No person shall possess open liquor, other than at their campsite.
- c) When a Park Officer encounters a person committing an offence under Subsection (a), the Park Officer may direct the person to dispose of the liquor.

609. Firearms/Fireworks
- a) No person shall discharge a firearm in a park.
 - b) A person who is in possession of a firearm in a park shall ensure that the firearm is unloaded and either disassembled or cased, and stored in compliance with the provisions of the *Criminal Code of Canada* and the *Firearms Act*.
 - c) This Section 609 does not apply to Peace Officers engaged in the performance of their duties.
 - d) No person shall, detonate explosives or other explosive devices or set off fireworks in a park or day use area:
 - (i) except as necessary for pest control, under the direction of Mountain View County.
610. Damaging Parks
- a) No person in any park shall:
 - (i) remove, destroy, mutilate, deface, or climb upon any building, structure, fixture or chattel; or
 - (ii) plug, tamper with, or in any way damage plumbing, electrical, heating, or other fixtures.
 - b) No person in any park shall:
 - (i) cut, break, bend or any way injure or deface any turf, tree, shrub, hedge, plant, flower or park ornament; or
 - (ii) walk, stand, or sit on any flower bed; or
 - (iii) walk upon any lawn or garden where signs are posted prohibiting persons from so doing; or
 - (iv) dig in the earth or remove any tree, plant, shrub, or any equipment or any kind that is fixed or growing thereon, or plant trees, shrubs or other potentially invasive plants without written permission from the Park Operator.
 - c) No person shall deface, injure or destroy any object in a park, whether created by natural means or otherwise.
 - d) No person in any park shall construct piers, permanent barbecues, fences, obstructions or buildings.
611. Business Operations
- a) No person shall carry on a business in a park unless he has received permission from the Park Operator for that purpose.

PERMITS

701. Mountain View County, or designate may issue individual campsite permits, day-use permits and group camping permits under this Bylaw.
702. Mountain View County may provide designated areas within its parks for camping and day-use purposes.
703. A sign or notice shall be posted at or near the entrance to the park requiring persons to obtain a permit as prescribed.
704. No person shall enter an area, without a permit, when permits are required by the County.
705. Permits shall be issued on a first come, first served basis except in that portion of a park in which a campsite reservation system is in effect.

706. No person shall:
- a) alter a permit; or
 - b) transfer a permit to another person
707. The holder of a permit shall keep it available for inspection at any time and shall produce it for inspection on the request of a Park Officer.
708. At the time of issue of a group permit, the Park Operator may make the permit subject to any conditions the Park Operator considers appropriate.
- a) On the expiry or cancellation of a camping permit, the permit holder shall ensure that the campsite is vacated and that all camping accommodation units, equipment and other property belonging to him or persons in his group are removed.

ANIMAL CONTROL

801. 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.
802. 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 in a park that is:
- a) a designated swimming area; or
 - b) a beach area adjacent to a designed swimming area; or
 - 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.
803. An owner whose animal defecates on park property shall remove forthwith any defecated matter.
804. A Park Officer may refuse to admit to a park or require to be removed from a park any animal if in his opinion, it is not under the control of a responsible person or may be a nuisance or damage to the life, safety, health, property or comfort of any person in the park.
805. An Animal Control Officer, as defined in the "Dog Control Bylaw" No. 33/04, or any other person acting under an Animal Control Officer's supervision may capture an animal running at large in a park.
806. Where the owner or person having custody claims a captured animal from an Animal Control Officer or designate, he shall pay any fines imposed and impoundment fees charged for the impoundment of the animal.
807. No action shall be taken against any person acting under the authority of this Bylaw for damages for destruction or other disposal of any animal.

DAY USE AREAS

901. No person shall occupy a day use area between the hours of 11:00pm and 7:00am, unless the area is otherwise posted.
902. Fires are not permitted in day use areas.

MUNICIPAL RESERVES

1001. No person shall deposit, or cause to be deposited waste, as defined in the *Environmental Protection and Enhancement Act*, on a municipal reserve.
1002. Unless authorized by Council, no person shall erect a building, fence, or other structure on a municipal reserve.
- a) When it is discovered that a structure has been erected on a municipal reserve, the County Chief Administrative Officer (CAO) or designate may cause it to be removed and disposed of, and
- b) The owner of the structure shall be liable for the costs of removing the structure and other related costs.
1003. No person shall camp on a municipal reserve, unless otherwise authorized by the County Chief Administrative Officer or designate.
1004. No person shall operate an off-highway vehicle on a municipal reserve.
1005. No person shall hunt any animal, or discharge a firearm, on a municipal reserve.
- a) The County Chief Administrative officer or designate may authorize a person to hunt, or discharge a firearm on a municipal reserve or portion thereof.
- b) Section 1005 does not apply to Peace Officers engaged in the performance of their duties.

PENALTIES

2001. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) and not less than Twenty-Five Dollars (\$25.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- a) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 or Part 3 of the *Provincial Offences Procedure Act*.
- b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
2002. Where any person contravenes the same section of this Bylaw twice within one Twelve (12) month period, the specified penalty payable in respect of the second contravention shall double in the amount as shown in accordance with Schedule "A".
- a) A notice or form commonly called a Bylaw Tag having printed wording approved by the County Chief Administrative Officer, may be issued by a Peace Officer to any person who has contravened any provision of this Bylaw or its regulations.

- b) The penalty in lieu of prosecution applicable to any contravention of this Bylaw, to be used when issuing a Bylaw Tag shall be the same as the specified penalty shown in Schedule "A".
 - c) A person who has been served with a Bylaw Tag in relation to a contravention of this Bylaw, and who has paid the penalty provided within the time allowed shall not be liable to prosecution for the subject offence.
2003. A Bylaw Tag shall be deemed to be sufficiently served:
- a) if served personally on the accused; or
 - b) if mailed by regular mail to the address of the owner or person accused
2004. If a motor vehicle, off highway vehicle, aircraft, boat or trailer or camping accommodation unit is involved in a contravention of this Bylaw, the owner of that motor vehicle, off highway vehicle, aircraft, boat or trailer or camping accommodation unit is guilty of an offence unless he proves to the satisfaction of the court that at the time of the offence the motor vehicle, off highway vehicle, aircraft, boat or trailer or camping accommodation unit was not being operated or used by him.

GENERAL

3001. Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.
3002. Schedule "A" to this Bylaw may be amended, by Council and any such amendment shall form part of this Bylaw.

TRANSITION

4001. This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.
4002. By-law No. 50/05 and all amendments thereto are hereby repealed, upon this Bylaw coming into effect.
4003. Bylaw No. 10/03, approved in 2003, is hereby repealed upon this Bylaw coming into effect.

SCHEDULE " A "

Mountain View County's Specified Penalties

Offence Under Section	Offence	Penalty
404 (i)	Operate vehicle in park when refused by a park officer	\$250.00
601 (a)	Fail to comply with lawful demand of park officer	\$250.00
601 (b)	Obstruct park officer	\$250.00
601 (c)	Re-entering/attempting to re-enter park following removal	\$250.00
601 (d)	Re-entering/attempting to re-enter park following prohibition	\$250.00
601 (e)	Enter/remain in park where access restricted	\$100.00
602 (a)	Interference with rights of others to peace and quiet	\$150.00
603 (a) (i)	Leaving fire unattended	\$ 50.00
603 (a) (ii)	Improper disposal of burning material	\$ 25.00
603 (a) (iii)	Not extinguishing fire before leaving	\$ 50.00
603 (a) (iv)	Starting fires in undesignated area	\$ 75.00
603 (b)	Starting fires when prohibited	\$250.00
604 (a)	Operating vehicle off designated roadways	\$ 50.00
604 (b)	Operating off highway vehicle where prohibited	\$ 50.00
604 (c)	Parking vehicle in non-designated area	\$ 25.00
605 (b)	Fail to follow lawful order/instructions/directions of sign	\$100.00
606 (b)	Restore land to clean and tidy condition	\$100.00
606 (e)	Display or posting of unauthorized signage/advertisements	\$ 50.00
606 (f)	Removal; defacing, or damage of signs	\$100.00

606 (g)/ (h)	Improper disposal of waste matter	\$100.00
606 (j)	Bathing or cleaning of self or utensils at or near water pumps	\$ 25.00
606 (k)	Removing water from park	\$ 50.00
607 (a) i	Camping where prohibited	\$ 50.00
607 (c)	Bring, permit or allow to remain more vehicles or camping Accommodation units than permitted.	\$ 50.00
607 (d)	Visitor park at campsite after posted time or 11:00pm	\$ 50.00
607 (e)	Visitor park in non-designated area	\$ 50.00
607 (f)	More than six people occupy campsite	\$100.00
608 (a)	Contravene Gaming & Liquor Act	\$100.00
608 (a)	Possess liquor in prohibited area	\$250.00
608 (b)	Possess open liquor in unauthorized place	\$100.00
609 (a)	Discharge of firearm	\$250.00
609 (b)	Unsafe/improper storage of firearm	\$250.00
609 (d)	Detonate explosives/fireworks in park	\$200.00
610 (a) (i)	Vandalism of county property	\$250.00
610 (b)	Vandalism of environment	\$250.00
610 (c)	Deface, injure or destroy object in Park	\$250.00
610 (d)	Unauthorized construction	\$250.00
611 (a)	Unauthorized carrying on of business	\$250.00
704	Failure to obtain permit/register when required	\$ 50.00
706 (a)	Alter permit	\$50.00
706 (b)	Transfer permit to another person	\$50.00

707	Fail to have permit available for inspection	\$50.00
801	Animal not restrained	\$75.00
802	Bring animal into unauthorized area	\$50.00
803	Owner failing to clean up after dog.	\$35.00
901	Occupy day use area during prohibited hours	\$50.00
1001	Deposit waste on a municipal reserve	\$250.00
1002	Erect a structure on a municipal reserve	\$250.00
1003	Camp on a municipal reserve	\$50.00
1004	Operate an off-highway vehicle on a municipal reserve	\$100.00
1005 (a)	Hunt/discharge a firearm on municipal reserve	\$250.00