

**VILLAGE OF ANDREW**

**BYLAW NO. 95-7**

A BYLAW OF THE VILLAGE OF ANDREW IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING PUBLIC PARKS AND CAMPGROUNDS WITHIN THE VILLAGE OF ANDREW.

WHEREAS, by virtue of the power conferred upon the Municipal Government Act, R.S.A. 1980, c. M-26.1, Part 2, Division 1 and 2 as amended or repealed and replaced from time to time, (hereinafter the "Municipal Government Act") the Council of the Village of Andrew, in the Province of Alberta, duly assembled, enacts as follows:

1. **SECTION 1 - SHORT TITLE**

1.1 This Bylaw may be cited as the Village of Andrew "General Parks Bylaw".

2. **SECTION 2 - DEFINITIONS**

2.1 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Village of Andrew pursuant to the Municipal Government Act to enforce Village of Andrew Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized, a Special Constable.

2.2 "Campground" means a park or a portion of a Park that has been designated by the Village where daytime or overnight camping is permitted.

2.3 "Council" means the Council of the Village of Andrew.

2.4 "Domestic Animal" means any animal, other than a dog or livestock, which is kept as a pet.

2.5 "Dog" means either the male or female of any domesticated canine species.

2.6 "Firearm" means any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, or damage to property, and without restricting the generality of the foregoing, includes guns, rifles, shotguns, pistols, air pistols, air rifles and anything that can be adapted for use as Firearm.

2.7 "Highway" means a highway as defined in the Highway Traffic Act, R.S.A. 1980, c. H-7, as amended or repealed and replaced from time to time, (hereinafter the "Highway Traffic Act").

2.8 "Livestock" means horses, cattle, swine, donkeys, mules, oxen, sheep, goats and furbearing animals in captivity for pelts.

2.9 "Moped" means a moped as defined in the Highway Traffic Act.

2.10 "Motorcycle" means a motorcycle as defined in the Highway Traffic Act.

2.11 "Motor Vehicle" means a motor vehicle as defined in the Highway Traffic Act.

2.12 "Municipal Administrator" means the Municipal Administrator of the Village of Andrew.

- 2.13 "Off-Highway Vehicle" means off-highway vehicle as defined in the Off-Highway Vehicle Act, R.S.A. 1980, c. 0-4, as amended or repealed and replaced from time to time (hereinafter the "Off-Highway Vehicle Act").
- 2.14 "Park" includes:
- a) Any land developed or used by the Village of Andrew as a public park, sports field, playground or recreational area, title to which is vested in the name of the Village of Andrew;
  - b) Any land acquired by the Village of Andrew as municipal reserve, school reserve, or environmental reserve as those terms are used in Part 17 of the Municipal Government Act, Chapter M-26, as amended or repealed and replaced from time to time;
  - c) Any land designated by the Village of Andrew as a park or recreational area for the purposes of the Bylaw;
- 2.15 "Person" includes an individual, corporation, firm, partnership, association, or body corporate.
- 2.16 "Roadway" means a roadway as defined in the Highway Traffic Act.
- 2.17 "Snow Vehicle" means a snow vehicle as defined in the Off-Highway Vehicle Act.
- 2.18 "Village of Andrew" means the Village of Andrew.
- 2.19 "Vegetation" includes all trees, shrubs, plants, flowers and grass, or all ground cover, whether it is in its wild or natural state, or has been planted.
- 2.20 "Violation Tag" means a tag or similar document issued by the Village of Andrew pursuant to Section 560 of the Municipal Government Act.
- 2.21 "Violation Ticket" means a ticket issued pursuant to part II of the Provincial Offenses Procedure Act, S.A. 1988, c. P-21.5, as amended or repealed and replaced from time to time (hereinafter the "Provincial Offenses Procedure Act") and regulations thereunder.

3. **SECTION 3 - APPLICATION**

- 3.1 This Bylaw shall apply to all Parks in the Village of Andrew including the west and north ends of the Andrew Community Centre, subject to any exceptions provided in any statute of the Province of Alberta or any agreement entered into by the Village of Andrew affecting any Park or part thereof.

4. **SECTION 4 - LITTER**

- 4.1 No person shall deposit or place in a Park any paper, cardboard, food, refuse, tins, bottles, glass or any litter of any kind likely to prove offensive, injurious or unsightly to any user of the Park unless such material is placed in recepticals provided for the purpose of collecting such matter.

5. **SECTION 5 - PARK PROPERTY**

- 5.1 No person shall destroy, remove or otherwise interfere with any Vegetation in the Park.
- 5.2 No person shall walk, cross, ride, or otherwise traverse any Vegetation where such conduct is

prohibited by posted signs.

- 5.3 No person shall dig, excavate or conduct any construction or building operations within a Park when authorization has been provided by the Municipal Administrator.
- 5.4 No person shall mark, deface, climb, or otherwise interfere with any sign, fence, building, wall, sign, bench, exhibit or any other property that the Village of Andrew has erected or caused to be erected in a Park.

6. **SECTION 6 - DANGEROUS OBJECTS**

6.1 No person, while in a Park, shall:

- a) Discharge, ignite or fire any fireworks or explosives of any type;
- b) Cast, throw or otherwise launch any stones, missiles or dangerous objects;
- c) Launch or shoot any arrows by means of a cross-bow, longbow or otherwise;
- d) Propel a golfball in any manner;

without such activity having been approved at a particular Park or part of a Park by the Municipal Administrator.

7. **SECTION 7 - CONDUCT**

- 7.1 No person shall consume alcoholic beverages in a Park unless the necessary approvals have been obtained from the Municipal Administrator and from the Alberta Liquor Control Board, and then only at such locations within a Park as designated by the Municipal Administrator.
- 7.2 No person shall enter or remain in any Park while intoxicated.
- 7.3 No person shall use or make any boisterous noise, blasphemous, vulgar or insulting language or engage in any disorderly, loud or lascivious conduct of any kind while in a Park or engage in any activity which would cause inconvenience or disturb any person using a Park.
- 7.4 No person shall in any way obstruct the free use or enjoyment of a Park by any other person.

8. **SECTION 8 - FIREARMS**

8.1 No person shall carry or discharge any Firearms of any description in a Park.

9. **SECTION 9 - CAMPING**

9.1 No person shall set up a tent, take temporary abode or otherwise camp in a Park except in a designated Campground.

10. **SECTION 10 - BUSINESS**

10.1 No person shall offer for sale or sell any good or service in a Park unless that person has obtained a business license from the Village of Andrew and the permission of the Municipal

Administrator.

### **SECTION 11 - ADVERTISING**

- 11.1 No person shall erect any sign board, billboard or any other advertising device in a Park without the approval of the Municipal Administrator.
- 11.2 This section does not apply to signs or notices that the Village of Andrew may erect in a Park.

### 12. **SECTION 12 - FIRES**

- 12.1 No person shall start or permit to be started any fire in a Park except in fireplaces or appliances provided in the Park for that purpose.
- 112.2 No person shall leave a fire unattended.

### 13 **SECTION 13 - ANIMALS**

- 13.1 No person shall permit any Dog over which he or she exercises care and control or owns to run at large in a Park.
- 13.2 While in a Park a Dog shall be leashed and under the care and control of the owner or a responsible person.
- 13.3 Persons bringing Dogs into a Park are responsible for the immediate clean-up and removal of any defecation done by the Dog.
- 13.4 No person shall allow any Dog under his or her control to:
  - (a) Injure, disturb or trap any bird or animal;
  - (b) Destroy any bird or animal habitat;
  - (c) Disturb or destroy any Vegetation in a Park or recreational area.
- 13.5 No person shall bring Livestock into a Park unless approval is obtained by the Municipal Administrator.
- 13.6 No person shall bring a Domestic Animal into the Park unless approval is obtained from the Municipal Administrator.
- 13.7 No person shall ride or bring a horse into a Park.
- 13.8 No person shall tease, molest or injure any mammal, bird or fish, nor throw any substance at or near such creatures in a park in such way to cause them alarm or possible injury.

### 14. **SECTION 14 - VEHICLES**

- 14.1 No person shall drive or operate a motor vehicle, motorcycle or moped in a Park except on a roadway in or through the Park.
- 14.2 No person shall park a motor vehicle, motorcycle or moped in a park except in areas designed for that purpose.
- 14.3 No person shall drive or operate an Off-Highway Vehicle or Snow Vehicle in a Park except in those Parks or areas so designated.

15. **SECTION 15 - PARK USES AND HOURS**

- 15.1 All parks within the Village of Andrew, unless otherwise indicated by sign, shall be closed to the public between the hours of 11:00 p.m. until 7:00 a.m. every day of the year.
- 15.2 No person shall enter into or remain in a Park or part thereof that is closed.
- 15.3 Any person in a Park after it is closed may be asked to leave by a Bylaw Enforcement Officer or may be issued a Violation Ticket.
- 15.4 Any person who refuses to leave a Park after having been asked to do so by a Bylaw Enforcement Officer or who has been issued a Violation Tag or a Violation Ticket for contravening this Bylaw may be removed from the Park.
- 15.5 No person shall be in violation of this section if he or she is using a Highway or Roadway in or running through the Park.
- 15.6 The Municipal Administrator may temporarily close the Park or any part thereof to the public use.
- 15.7 Where a park or any part thereof is closed to the public use pursuant to Section 15.6, a sign shall be posted to that effect.

16. **SECTION 16 - OFFENCES**

- 16.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" herein.
- 16.2 Under no circumstances shall any person contravening any provision of the Bylaw be subject to the penalty of imprisonment.

17. **SECTION 17 - VIOLATION TAG**

- 17.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 17.2 A Violation Tag may be issued to such person:
- (a) Either personally; or
  - (b) By mailing a copy to such person at his or her last known Post Office address.
- 17.3 The Violation Tag shall be in a form approved by the Village of Andrew and shall state:
- (a) the name of the person;
  - (b) the offence;
  - (c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - (e) any other information as may be required by the Village of Andrew.
- 17.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags be issued by a Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

17.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Secretary Treasurer the penalty specified in the Violation Tag.

17.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

18. **SECTION 18 - VIOLATION TICKET**

18.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act.

19. **SECTION 19 - EXEMPTIONS**

19.1 The employees, servants and agents of the Village of Andrew, while acting in the course of their employment or duty, are exempt from the provisions of this Bylaw.

20. **SECTION 20 - SEVERABILITY**

20.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

21. **SECTION 21 - SCHEDULE "A"**

21.1 Any person who commits a breach of any of the provisions of this Bylaw shall be liable to a voluntary penalty of:

(a) For the first offence to a voluntary penalty of fifty dollars (\$50.00).

(b) For a second penalty and subsequent offence, to a voluntary penalty of one hundred (\$100.00).