

**BY-LAW NUMBER 1440
TOWN OF INNISFAIL**

BY-LAW NUMBER 1440 OF THE TOWN OF INNISFAIL IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO PROVIDE FOR THE CONTROL AND OPERATION OF PARKS, CAMPGROUNDS AND PUBLIC FACILITIES.

WHEREAS, pursuant to the provisions of the Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto;

AND WHEREAS, the Municipal Council of the Town of Innisfail, in the Province of Alberta, duly assembled hereby enacts as follows:

SECTION 1 – CITATIONS

- 1.1 This Bylaw may be cited as the “Innisfail Parks Bylaw.”

SECTION 2 – DEFINITIONS: In this Bylaw:

- 2.1 ANIMAL means any creature not human;
- 2.2 CAMPGROUND means a park designated as a site on which daytime or overnight camping is permitted;
- 2.3 ENFORCEMENT OFFICER means (a) a Peace Officer, (b) a Bylaw Enforcement Officer or (c) any other person designated by the Town Manager as an Enforcement Officer;
- 2.4 FACILITY MANAGER is an individual appointed by Town Council to monitor activities in a public facility;
- 2.5 HIGHWAY, VEHICLE, MOTOR VEHICLE, MOTORBICYCLE and TRAILER shall respectively have the same meaning as are ascribed to them in the Traffic Safety Act;
- 2.6 PARK means land owned or controlled by the Town that is now or hereafter established, dedicated, set apart or designated, specified or made available for use by the public as a park, trailer park, campsite, picnic site, preserved natural area, trails, cemetery, recreational areas, municipal reserve and environmental reserve and includes any and all improvements situated thereon or therein;
- 2.7 PUBLIC FACILITY means every athletic, recreational or cultural facility located in the Town and, without limiting the generality of the foregoing, includes tennis courts, community centers, swimming pool, arenas, athletic playing fields, skateboard park, shelters and the property, grounds and parking areas ancillary thereto;
- 2.8 PUBLIC RESERVE means those lands that are dedicated and deeded to the Town as provided for and ascribed by the Planning Act of the Province of Alberta;
- 2.9 QUIET HOURS shall mean that time between 11:00 p.m. (2300 hours) and 7:00 a.m. (0700 hours) when the park or campground shall be free of any excessive noise that should disrupt people sleeping;
- 2.10 REGULATIONS means regulations governing the use of Parks and Public Facilities and the posting of signs as approved from time to time by the Town Manager or Council;
- 2.11 TOWN means the Town of Innisfail;

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2.12 TOWN MANAGER means the Town Chief Administrative Officer or his Delegate.

SECTION 3 – ENFORCEMENT:

Enforcement Officer or Facility Managers shall have the authority to:

- 3.1 Enter on and inspect any land, road, structure or work in the Park, Public Facility or Campground;
- 3.2 Order any person in a Park to cease or refrain from any act or conduct which constitutes a breach of this Bylaw, is dangerous to life or property, or detrimental to the use and enjoyment of the Park, Public Facility or Campground by others;
- 3.3 Order persons participating in a special event or public gathering to disperse and leave the Park, Public Facility or Campground;
- 3.4 Remove from the Park, Public Facility or Campground:
 - a) any person making an unauthorized use of the Park;
 - b) any person creating a nuisance or disturbance;
 - c) any person who breaches any provision of this Bylaw;
 - d) any person failing to comply with any posted or printed regulations guiding the use of the Park, Public Facility or Campground.
- 3.5 No person shall enter upon any Park, Public Facility or Campground to which access by that person is prohibited, whether such prohibition be by posted regulation, sign or custom and practice and without limiting the generality of the foregoing without prior authorization by the Town Manager;
- 3.6 The Facility Manager may use his/her discretion to evict or refuse admittance to any patron when an infraction of this Bylaw or any other Acts occurs.

SECTION 4 – PROHIBITIONS

While in a Park no person shall:

- 4.1 Climb on any building, structure or equipment unless it is designed specifically for the purpose of climbing;
- 4.2 Build a structure, whether permanent or temporary without permission from Town Manager;
- 4.3 Set up any form of temporary abode except in an area designated by the Town for this activity;
- 4.4 Dig, plant or install any object within a park without permission;
- 4.5 Leave a fire burning unattended or leave a fire without completely extinguishing any flame and ensuring the embers are cold;
- 4.6 Enter into any undeveloped or natural area other than on a trail;
- 4.7 Enter any area to which access has been prohibited or regulated by signage or fencing or other barricade;
- 4.8 Move, remove or alter any signage or fencing or other barricade prohibiting or regulation access to any area;

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- 4.9 At any time be in a Park when the Park is closed;
- 4.10 Act in a way, including throwing or propelling an object, that is reasonably likely to cause injury to another person or damage to property;
- 4.11 Possess any firearm, bow, arrow or hunting type knife;
- 4.12 Modify any land in a way that is reasonably likely to cause injury to another person or damage to property;
- 4.13 Play golf except on a golf course;
- 4.14 Sell, display or distribute any goods or services;
- 4.15 Conduct any business or commercial venture;
- 4.16 Do anything that is reasonably likely to disturb the peace or enjoyment of other persons using the Park;
- 4.17 Interfere with the exclusive use of any area of Park granted to another person or group;
- 4.18 Operate or park a Motor Vehicle, Vehicle or Trailer in a Park other than in areas designed or designated for that purpose;
- 4.19 Deposit or place in a Park any paper, cardboard, food, refuse, tins, bottles, glass or any litter or refuse of any kind likely to prove offensive, injurious or unsightly to any user of the Park unless such material is placed in receptacles provided for the purpose of collecting such matter;
- 4.20 Discharge, ignite or fire any fireworks or explosives of any type;
- 4.21 Operate any radio or remote controlled object that is reasonably likely to interfere with other users of a Park;
- 4.22 Injure, remove, damage or deface in any way or tamper with anything in such Park or Public Facility including without limiting the generality of the foregoing, rock, gravel, soil, plants, trees, shrubs, hedges, flowers, lawn, buildings, ornaments, fixtures, structures, plumbing, heat or light fixtures, walls, fences, gates, signs, benches, playground equipment, exhibits, animals and included all improvements situated thereon or therein;
- 4.23 Swear or use obscene, offensive or insulting language, fight, be found intoxicated or conduct himself in a disorderly manner;
- 4.24 Cause, permit or allow any other person under his control to do anything prohibited by this Bylaw;
- 4.25 Contravene any posted signage or printed Regulation governing the use of a Park, Public Facility or Campground;
- 4.26 Contravene Quiet Hours in a Park or Campground;

CAMPING / CAMPGROUND

- 4.27 No person shall camp in a Park, recreation area or on a highway except in an area designated for that purpose, unless a person is otherwise authorized by a Facility Manager;
- 4.28 All campers are required to register using the Registration system provided;

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- 4.29 No person shall alter a Camping permit;
- 4.30 No person shall transfer a Camping permit to another person;
- 4.31 Only one Camping unit is allowed per site or otherwise permitted;
- 4.32 No open liquor is permitted off the Campsite;
- 4.33 Speed limit within the campground is 10km/hour.
- 4.34 No person shall stay in the Campsite longer than 14 nights without seeking permission from the Town Manager or Facility Manager;
- 4.35 All Campers are required to abide by the current fee structure that exists for Campsites, serviced, un-serviced and overflow;
- 4.36 Overflow Camping is designated by the Facility Manager or Town Manager;
- 4.37 On expiry or cancellation of a Camping permit, the permit holder shall vacate the Campsite and remove all shelter, equipment and other property and maintain the site is left in a clean and orderly manner;
- 4.38 No person shall interfere with an Enforcement Officer in the exercise of their powers and duties pursuant to this Bylaw.

SECTION 5 – OFFENCES

- 5.1 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;
- 5.2 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 or persons responsible;
- 5.3 An owner, lessee, tenant or agent of owner, as the case may be, shall cut the grass on a boulevard which abuts or flanks property owned by him and if such person fails to cut such grass for a period of 7 days following receipt by him of notice from the Town so to do, the Town may cut or cause to be cut such grass and charge the cost of such work done against such property owner as taxes due and owing and collect it as such.

SECTION 6 – SEIZURE

- 6.1 Any Enforcement Officer is hereby authorized to remove or cause to be removed any vehicle, trailer or other thing in contravention of this Bylaw at the expense of the owner in addition to any violation penalty imposed. The Town shall not be held liable responsible of any damage or costs incurred in such seizure.

SECTION 7 – SUSPENSION

- 7.1 The Town Manager or Facility Manager in the case of facilities may make such inquiries as he deems appropriate and may suspend an individual from entering or using the public facility under his jurisdiction permanently, or for such period of time as he deems appropriate;

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- 7.2 Suspended persons shall be notified of their suspension in writing by mail. Suspended persons may appeal their suspension to Council by giving written notice of their appeal to the Facility Manager or to the Town Manager, as the case may be, within seven days of receipt of the notice of suspension and the Facility Manager or Town Manager shall arrange a meeting of the Council to hear such appeal, which must be heard at the next regularly scheduled meeting of Council.

SECTION 8 – VIOLATION TAG

- 8.1 An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 8.2 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; or last known address recorded with the Registrar of Motor Vehicles.
- 8.3 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 Town the penalty specified in the Violation Tag;

SECTION 9 – VIOLATION TICKET

- 9.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act;
- 9.2 Nothing in this Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance or voluntary specified penalty of any person who contravenes any provision of this Bylaw.

SECTION 10 – EXEMPTIONS

- 10.1 The employees, servants and agents of the Town, while acting in the course of their employment or duty, are exempt from the provisions of the Bylaw.

BYLAW # 1032 IS HEREBY REPEALED BY THE PASSING OF THIS BYLAW.

READ A FIRST TIME IN OPEN COUNCIL THIS _____ DAY OF _____ 2006

READ A SECOND TIME IN OPEN COUNCIL THIS _____ DAY OF _____ 2006

**READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS _____ DAY
OF _____ 2006.**

MAYOR

CHIEF FINANCIAL OFFICER

BYLAW # 1440**SCHEDULED "A"
PENALTIES**

SECTION	OFFENCE	1ST OFFENCE	2ND OFFENCE
4.1	Climb building structure or equipment not designed to climb	\$50.00	\$75.00
4.2	Build a structure without permission	\$150.00	Court
4.3	Set up temporary abode in a non-designated area	\$50.00	\$75.00
4.4	Dig, plant or install objects without permission	\$100.00	Court
4.5	Leave unattended fire or fail to extinguish	\$100.00	\$300.00
4.6	Enter undeveloped natural area other than trail	\$100.00	\$200.00
4.7	Enter prohibited area	\$100.00	Court
4.8	Move, remove or alter signage, fencing or barricades to prohibited area	\$100.00	\$200.00
4.9	Be in park when park is closed	\$50.00	\$100.00
4.10	Act, throw or propel object that cause injury to persons or damage to property	\$100.00	Court
4.11	Possess a firearm, bow, arrow, hunting knife	\$100.00	Court
4.12	Modify land that might cause injury to persons or damage to property	\$100.00	Court
4.13	Play golf in park	\$50.00	\$100.00
4.14	Sell, display or distribute goods or services	\$200.00	Court
4.15	Conduct business or commercial venture	\$200.00	Court
4.16	Disturbing the peace or enjoyment of other persons	\$100.00	Court
4.17	Interfere with other persons or groups	\$100.00	Court
4.18	Operated or park motor vehicle, vehicle or trailer in non-designed or designated area	\$250.00	Court
4.19	Litter or fail to use waste or recycle receptacles	\$50.00	\$150.00
4.20	Discharge or ignite fireworks or explosives	\$100.00	Court
4.21	Operate radio objects interfering with other persons	\$50.00	\$150.00
4.22	Injure, remove, damage or deface with anything in park	\$200.00	Court
4.23	Disorderly conduct by swearing, using obscene, offensive insulting language, fight or intoxicated	\$100.00	Court
4.24	Cause, permit or allow another person to violate bylaw	\$50.00	\$100.00
4.25	Contravene posted signage or regulation in park or public facility	\$100.00	Court
4.26	Contravene quiet hours	\$100.00	Court
4.27	Camp in park, recreation area or highway not designated for camping	\$100.00	Court
4.28	Fail to register in campground	\$50.00	\$100.00
4.29	Alter camping permit	\$50.00	\$100.00
4.30	Transfer camping permit	\$50.00	\$100.00
4.31	More than one camping unit for campsite	\$50.00	\$100.00
4.32	Open liquor off campsite	\$150.00	Court
4.34	Camp more than 14 days without authorization	\$100.00	Court
4.35	Fail to abide with current fee structure	\$50.00	\$100.00
4.37	Fail to clean up campsite prior to vacating campsite	\$100.00	Court
4.38	Interfere with enforcement officer	\$250.00	Court

