

CITY OF COLD LAKE
BYLAW #539-PL-14- Unofficial Consolidation

Please note: in a bylaw that is “Unofficially Consolidated”, the original approved bylaw is updated to include all of the approved amendments to that bylaw.

Consolidated as of September 18, 2018

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING ACTIVITIES AND BEHAVIOUR IN PARKS AND PUBLIC FACILITIES WITHIN THE CITY

WHEREAS, Council deems it necessary and in the public interest to regulate activities and behaviour within parks, open spaces and public facilities within the City of Cold Lake;

AND WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26 provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26 provides that Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

NOW THEREFORE, the Council of the City of Cold Lake in the Province of Alberta, in Council duly assembled, hereby enacts as follows:

SECTION 1 - TITLE

1. This Bylaw shall be cited as the “Parks and Public Facilities Bylaw”.

SECTION 2 - DEFINITIONS

2. In this bylaw:

- 2.1. “CAO” means the Chief Administrative of the City of Cold Lake;
- 2.2. “City” means the City of Cold Lake;
- 2.3. “Council” means the Council of the City of Cold Lake;
- 2.4. “Harass” without limiting the generality of the term, means to torment, trouble, worry, plague or badger another person;
- 2.5. “Litter” also referred to as “refuse”, may be defined as any solid or liquid material or product or combination of the two materials or products, including, but not limited to:
 - 2.5.1. Any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, building material, organic or non-organic matter, liquid, chemical, dilapidated furniture or household appliances, loose garbage, scrap metals, scrap lumber, tires, parts of disassembled machinery, sewage or the whole or part of an animal carcass and any other material or product that is designate as litter in the Alberta Environmental Protection and Enhancement Act as amended and the Litter Act and regulations thereunder
- 2.6. “Officer” means a Peace Officer, a Bylaw Officer a member of the RCMP, the CAO or their designate as the context may require;
- 2.7. “Own”, “Owns” or “Owner” means:
 - 2.7.1. in the case of land, to registered under the *Land Titles Act* as the owner of fee simple estate in a parcel of land; or;
 - 2.7.2. in the case of personal property, to be in lawful possession or have the right to exercise control over it, or to be registered owner of it;

- 2.8. “Off-Highway Vehicle” has the same meaning as defined in Part 6 of the *Traffic Safety Act* R.S.A. 2000, Chapter T-6;
- 2.9. “Panhandle” or “Panhandling” means a request or solicitation made verbally or otherwise for the gratuitous provision of money or goods from another person;
- 2.10. “Panhandling Aggressively” without limiting the generality of the phrase, means a person is panhandling in an aggressive manner, if they:
 - 2.10.1 Obstruct or impede the passage of another person;
 - 2.10.2 Make continued requests or solicitations after receiving a negative response from another person;
 - 2.10.3 Insult, threaten, coerce or intimidate another person;
 - 2.10.4 Make physical contact with another person; or
 - 2.10.5 Are intoxicated or under the influence of alcohol, cannabis or other illegal drugs while panhandling;
Amended August 28, 2018, Bylaw No. 630-PL-18
- 2.11. “Person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- 2.12. “Property” means;
 - 2.12.1 In the case of land, a parcel of land including buildings; or
 - 2.12.2 In other cases, vehicles intended for public transportation;
- 2.13. “Park/Open Space” means property owned and operated by the City for the purposes of active and passive recreation uses including but not limited to outdoor sports activities playgrounds, gardens, walking/bicycling trails and any public reserve or area used as a park or highway buffer strip, whether on a permanent or temporary basis and those portions of any lands owned by the Northern Lights School Division Mo.69 and the Lakeland Catholic Board of Education No. 150, which are used as sports fields or recreation complexes;
- 2.14. “Public Facility” means any property owned or managed by the City, to which the public have access as of right or by express or implied invitation, whether on payment of any fee or not, including but not limited to such properties as Parks/Open Spaces, City Hall, the Public Library, the Energy Centre, Arenas, Special Transportation Vehicles and any other city owned property that the city may lease or otherwise authorizes its use to other persons;
- 2.15. “Vehicle” has the same meaning as defined in the *Traffic Safety Act* R.S.A. 2000, Chapter T-6;
- 2.16. “Violation Tag, Municipal” means a tag or similar document issued by the City pursuant to the *Municipal Government Act*, R.S.A. 2000 as amended.
- 2.17. “Violation Ticket, Provincial” has the same meaning as in the *Provincial Offences Procedures Act* as amended.

SECTION 3 - INTERPRETATION

- 3.1. Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw remain valid and enforceable.

- 3.2. Nothing in this bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order or licence.
- 3.3. Any heading, subheading or tables of content in this bylaw are included only for convenience, and shall not form part of this bylaw.
- 3.4. Where this bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- 3.5. All schedules attached to this bylaw shall form part of this bylaw.

SECTION 4 - GENERAL AUTHORITY

- 4. The Chief Administrative Officer is hereby delegated the authority to:
 - 4.1. carry out any inspections to determine compliance with this bylaw;
 - 4.2. take any steps or carry out any actions required to enforce this bylaw;
 - 4.3. take any steps or carry out any actions required to remedy any contravention of this bylaw;
 - 4.4. establish investigation and enforcement procedures with respect to any contravention of this bylaw;
 - 4.5. establish forms for the purposes of this bylaw;
 - 4.6. issue permits with such terms and conditions as are deemed appropriate; and
 - 4.7. delegate any powers, duties or functions under this bylaw to an employee of the City.

SECTION 5 – DAMAGES

- 5.1. No person shall leave any garbage, litter or other refuse including domestic animal faeces in a public place except in a receptacle designed and intended for such use or by the appropriate disposal of such material elsewhere.
- 5.2. No person shall damage, deface or remove a structure, fixture, improvement, sign or other property; or vegetation, soil, sand gravel or wood or any other material located in a public facility without prior written permission of the owner;
- 5.3. No person shall:
 - 5.3.1 damage, destroy any wildlife habitat; or
 - 5.3.2 pester, feed or otherwise interfere with or harm any animal in a park
- 5.4. Any Person in contravention of Section 5 shall, in addition to the fine specified in Schedule “A” herein, be responsible for the cost necessary to clean, repair or replace the property removed, altered, damaged, defaced or destroyed.

SECTION 6 – WEAPONS / PROJECTILES

- 6.1. No person shall throw or propel an object, or act in any other way, in a public place that is reasonably likely to cause injury to another person or damage property.
- 6.2. No person shall possess any loaded weapon, capable of launching a projectile, in a public place.

- 6.3. No person shall cause or permit a weapon to launch or fire a projectile in a public place.

SECTION 7 – USE OF PARK/PUBLIC FACILITIES

- 7.1. No person shall obstruct the free use or enjoyment of a person using a public facility
- 7.2. No person shall enter or remain in a public facility when it is closed to the public
- 7.3. No person shall “panhandle” in an aggressive manner in any public facility.
- 7.4. No person shall distribute, cause or permit the distribution of a handbill in a public facility without prior written permission of the owner.
- 7.5. No person shall cause or permit an event or a sequence of events in the nature of an amusement, assembly, entertainment, parade, athletic or sports contest in a public facility without written permission, or a permit from the CAO or their designate.
- 7.6. No person shall climb on to, or over top of, any fence, building, tree or structure in a public facility.
- 7.7. No person shall disobey a directive sign placed in a public facility.
- 7.8. No person shall advertise or publicise anything in a Park/Public Facility, or open space by any means without prior written permission of the owner and permits, where required by the City.
- 7.9. No person shall make available for sale goods and services in a Park/Public Facility unless such activity is permitted by regulations or in the case of a public park/open space Council has given prior written approval.
- 7.10. No person shall interfere with the use of an area of a Park/Public Facility by a person or group to which exclusive use has been granted.
- 7.11. Except in areas designated or intended for vehicle movement or parking, no person shall park or drive any vehicle, including an off highway vehicle in or upon any park area or public facility unless permission has been obtained from the City of Cold Lake.
- 7.12. No person shall camp, erect a tent or park a recreational vehicle in a Park/Public Facility, open space, except in areas designated by Council and in accordance with any conditions that may be applied by Council.
- 7.12.1 An Officer is hereby authorized to remove or cause to be removed any camping equipment, Trailers, Tents, Vehicles or apparatus used in contravention of, or found in contravention of, this Bylaw.
- 7.12.2 Any camping equipment, Trailers, Tents, Vehicles, and apparatus removed pursuant to Section 7.12 shall be impounded until claimed by the owner or his authorized agent and shall be released to the owner or his authorized agent upon payment of any storage or removal costs incurred by the City.
- 7.12.3 Storage and removal costs relating to any impounded camping equipment, Trailers, Tents, Vehicles, or apparatus unclaimed by the owner may be collected pursuant to the provisions of the Municipal Government Act (Alberta) as amended.
- 7.12.4 Any impounded camping equipment, Trailers, Tents, Vehicles or apparatus unclaimed by the owner after thirty (30) days from the date of impoundment shall be disposed of by the Municipality in accordance with the Municipal Government Act (Alberta) as amended.

- 7.13. No person shall light or fuel a fire in or upon any Park/Public Facility except in those receptacles or areas specially provided or designated for that purpose. Burning shall take place only in accordance with the City of Cold Lake *Burning and Fire Pit Bylaw*
- 7.14. No person shall drive, ride, or lead any horse or other animal in any Park/Public Facility except on trails, walkways, or areas therein that may be designated for such purpose by the CAO.
- 7.15. No person shall skate on the ice in a Park/Public Facility unless such activity has been authorized by the CAO, who may regulate the days and hours within which such activity is permitted.
- 7.16. No person shall swim, bathe, or wade in any lake, stream, pool or pond within a Park/Public Facility, unless such activity has been authorized by the CAO who may regulate the days and hours within which such activity is permitted.
- 7.17. No person shall play golf in any Park/Public Facility that is not specifically designated as a golf facility.
- 7.18. The CAO may:
- 7.18.1. Limit the use of any Park/Public Facility or portion thereof to the playing of one or more types of active games.
 - 7.18.2. Prohibit the use of any Park/Public Facility or portion thereof for the playing of any active game, where such use may damage grass, flowers, trees, shrubs, buildings or structures.
- 7.19. All rules and regulations governing the use of any Park/Public Facility shall be filed in the office of the CAO and the City Clerk and, if possible, displayed at the Park/Public Facility affected.
- 7.20. Council may, at any time, shut off or close up any or all highways or thoroughfares of any Park/Facility and may make any or all highways within any Park/Public Facility one-way traffic roads.
- 7.21. Council may, by resolution, designate parks/open spaces or areas within parks/open spaces where any of the activities prohibited herein, to be permitted.
- 7.22. All rules and regulations as they pertain to a Park/Public Facility shall come into effect on the day they are filed in the office of the City Clerk
- 7.23. City Council may, at any time, authorize a charge or charges to be levied for the admission to or use of a Park/Public Facility or portion thereof.

SECTION 8 - PUBLIC PARK/OPEN SPACE OPERATING HOURS

- 8.1. All park areas except campgrounds shall be closed to the public between the hours of 2300 (11:00 p.m.) and 0700 (7:00 a.m.) the next morning except where signage indicates otherwise or prior approval by the Chief Administrative Officer has been received.
- 8.2. In addition to the provisions of Section 8.1, Council may by resolution regulate the hours of operation of and/or close a public park/open space or public parks/open spaces for such hours or period of time as it may direct.

SECTION 9 - OFFENCES AND PENALTIES

- 9.1. Any person or corporation that contravenes this Bylaw is guilty of an offence.
- 9.2. Any person who willfully obstructs an Officer or assault an Officer with the intent to resist or prevent the lawful arrest or detainment of themselves or another person

in the exercise or performance of their duties related to this Bylaw is guilty of an offence.

- 9.3. A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than that established in Schedule “A” of this Bylaw, and not exceeding Five Thousand (\$5,000.00), and to imprisonment for not more than six months for non-payment of a fine.
- 9.4. The penalty for a second offence, within a calendar year, shall be double the fine amount as indicated in Schedule “A” of this Bylaw.
- 9.5. The penalty, for a third and subsequent offences, within a calendar year, shall be triple the fine amount as indicated in Schedule “A” of this Bylaw.

SECTION 10 - MUNICIPAL VIOLATION TAGS AND PROVINCIAL VIOLATION TICKETS

- 10.1. A municipal violation tag or provincial violation ticket may be issued in respect to an offence, and the violation tag or ticket must specify the fine amount established by this Bylaw for the offence.
- 10.2. The person receiving the municipal violation tag or provincial violation ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence.
- 10.3. A provincial violation ticket must be paid before the date specified by the ticket.
- 10.4. A municipal violation tag must be paid within thirty (30) days of the date it was issued.
- 10.5. If a municipal violation tag has been issued, a person may, prior to the required date, request that a provincial violation ticket be issued in place of a municipal violation tag to allow that person to attend court with respect to the offence.
- 10.6. If a provincial violation ticket is issued in respect to an offence:
 - 10.6.1. The provincial violation ticket may specify the fine amount established by this bylaw for the offence;
 - 10.6.2. The provincial violation ticket may require a person to appear in court without the alternative of making a voluntary payment;
- 10.7. If a provincial violation ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offence; or
- 10.8. If a provincial violation ticket specifies a fine amount, a person or their agent may appear in court on the required date and elect to enter a plea with respect to the offence.

SECTION 11 - EXPIRY

- 11. Any person who commits a subsequent offence under this bylaw within one (1) year of committing the first offence may be issued a provincial violation Ticket or municipal violation tag. The time limit for committing a subsequent offence resets on a yearly basis on January 1 of each year.

SECTION 12 - ENACTMENT

This Bylaw shall come into full force and effect immediately upon the date of its final passage.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 14th day of October, A.D., 2014, on motion by Councillor MacDonald.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 25th day of November, A.D., 2014, on motion by Councillor Buckle, as amended.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 25th day of November, A.D., 2012 on motion by Councillor Lay.

**CARRIED
UNANIMOUSLY**

Executed this ____ day of _____, 2014

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

CITY OF COLD LAKE
BYLAW #539-PL-14
A BYLAW REGULATING ACTIVITIES AND BEHAVIOUR
IN PARKS AND PUBLIC FACILITIES

Schedule “A” – Fines*

Section No.	Description	Fine Amount
5.1	Littering	\$200
5.2	Damage to public facility	\$200
5.3	Disturbing wildlife	\$200
6.1	Throw/Propel objects	\$200
6.2	Possess weapon	\$500
6.3	Discharge weapon	\$500
7.1	Obstruct use of facility	\$100
7.2	Enter closed facility	\$100
7.3	Panhandling	\$100
7.4	Distribute handbill	\$100
7.5	Unauthorized event	\$100
7.6	Prohibited behavior	\$100
7.7	Disobey signage	\$100
7.8	Advertise without permission	\$100
7.9	Sale of goods or services without permission	\$100
7.10	Interference with authorized user(s)	\$100
7.11	Operate motor vehicle where prohibited	\$100
7.12	Camping without permission	\$100
7.13	Prohibited fire	\$100
7.14	Lead/Ride animal through prohibited area	\$100
7.15/7.16/7.17	Prohibited activity	\$100
9.2	Obstruct an Officer	\$500

Second Offence within a calendar year: Double Fine Amount

Third and subsequent offences within a calendar year: Triple Fine Amount

*Where the listed fines conflict with those fines set out in applicable Provincial Act or Regulation, the fines set out in the Act or Regulation shall apply.