

CITY OF COLD LAKE
BYLAW 812-PL-23
PUBLIC SPACES AND FACILITIES BYLAW

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING ACTIVITIES AND BEHAVIOUR IN PUBLIC SPACES AND 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;

AND WHEREAS Section 63(2)(a) of *Municipal Government Act*, RSA 2000, c. M-26 provides that Council may omit and provide for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective, and by Section 191(1) of the *Municipal Government Act* empowers the Council to pass or repeal the bylaw;

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 “Public Spaces and Facilities Bylaw”.

SECTION 2 - DEFINITIONS

2 In this bylaw:

- 2.1 “Adjacent Owner” shall mean the registered owner of a property that shares a boundary with a specified lot’
- 2.2 "CAO” means the Chief Administrative Officer of the City of Cold Lake;
- 2.3 “City” means the City of Cold Lake;
- 2.4 “Council” means the Council of the City of Cold Lake;
- 2.5 “Landscaping” or “Landscape” means the product or process, of making land more attractive by altering the existing design through natural or manmade features, adding/changing/removing ornamental features, adding, changing, or removing vegetation including grass, plants, flowers, gardens, shrubs, planters, rocks, mulch, etc; and includes the visible features of an area of land;
- 2.6 “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:
 - 2.6.1 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 designated as Litter in the Alberta Environmental Protection and Enhancement Act as amended and the Litter Act and regulations thereunder
- 2.7 “Officer” means a Peace Officer, a Bylaw Officer, a member of the RCMP, the CAO or their designate as the context may require;

- 2.8 “Own”, “Owns” or “Owner” means:
- 2.8.1 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;
 - 2.8.2 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;
- 2.9 “Off-Highway Vehicle” has the same meaning as defined in Part 6 of the *Traffic Safety Act* R.S.A. 2000, Chapter T-6;
- 2.10 “Panhandle” or “Panhandling” means a request or solicitation made verbally or otherwise for the gratuitous provision of money or goods from another person;
- 2.11 “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;
- 2.12 “Person” means any individual, firm, partnership, association, corporation, trustee executor, administrator or other legal representative;
- 2.13 “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;
- 2.14 “Public 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, Environmental Reserve (ER), 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 No.69, the Lakeland Catholic Board of Education No. 150, and the Conseil Scolaire Centre-Est which are used as sports fields or recreation complexes;
- 2.15 “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 Public Spaces, City Hall, the Public Library, the Energy Centre, Arenas, City Transit, Special Transportation Vehicles and any other City owned property that the city may lease or otherwise authorizes its use to other persons;
- 2.16 “Public Tree” means any tree located on a Public Space;
- 2.17 “Remove” means to cut down, remove, move, prune, trim or kill a tree or a substantial part of a tree by any means;
- 2.18 “Tree Protection Barrier” means a fence or any other protective cordon surrounding a tree to restrict access;

- 2.19 “Vehicle” has the same meaning as defined in the *Traffic Safety Act* R.S.A. 2000, Chapter T-6;
- 2.20 “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.
- 2.21 “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 CAO 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
 - 5.1.1 leave any garbage, Litter or other refuse including domestic animal faeces in a Public Facility except in a receptacle designed and intended for such use or by the appropriate disposal of such material elsewhere;
 - 5.1.2 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;
- 5.2 No person shall:

- 5.2.1 damage, destroy any wildlife habitat; or
- 5.2.2 pester, feed or otherwise interfere with or harm any animal in a Public Space.
- 5.3 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
 - 6.1.1 throw or propel an object, or act in any other way, in a Public Facility that is reasonably likely to cause injury to another person or damage property;
 - 6.1.2 possess any loaded weapon, capable of launching a projectile, in a Public Facility;
 - 6.1.3 cause or permit a weapon to launch or fire a projectile in a Public Facility.

SECTION 7 – USE OF PUBLIC SPACE AND PUBLIC FACILITIES

- 7.1 No person shall
 - 7.1.1 obstruct the free use or enjoyment of a person using a Public Facility;
 - 7.1.2 enter or remain in a public facility when it is closed to the public;
 - 7.1.3 panhandle in an aggressive manner in any Public Facility;
 - 7.1.4 distribute, cause or permit the distribution of a handbill in a Public Facility without prior written permission of the owner;
 - 7.1.5 cause or permit an event or a sequence of events in the nature of an amusement, entertainment, parade, athletic or sports contest in a Public Facility without written permission, or a permit from the CAO or their designate;
 - 7.1.6 climb on to, or over top of, any fence, building, tree or structure in a Public Facility;
 - 7.1.7 disobey a directive sign placed in a Public Facility;
 - 7.1.8 advertise or publicise anything in a Public Facility by any means without prior written permission of the owner and permits, where required by the City;
 - 7.1.9 make available for sale goods and services in a Public Facility unless such activity is permitted by regulations or in the case of a Public Space Council as given prior written approval;
 - 7.1.10 interfere with the use of an area of a Public Facility by a person or group to which exclusive use has been granted;
 - 7.1.11 park or drive any Vehicle, including an Off-Highway Vehicle in or upon any Public Space unless permission has been obtained from the City or the area is designated or intended for Vehicle movement or parking;
 - 7.1.12 camp, erect a tent or park a recreational Vehicle in a Public Facility, except in areas designated by Council and in accordance with any conditions that may be applied by Council;

- 7.1.13 light or fuel a fire in or upon any 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's *Community Standards Bylaw*).
- 7.1.14 play golf in any Public Facility that is not specifically designated as a golf facility;
- 7.1.15 drive, ride, or lead any horse or other animal in any Public Facility except on trails, walkways, or areas therein that may be designated for such purpose by the CAO.
- 7.2 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.
- 7.3 An Officer may, at its sole discretion, dispose of any items removed from Public Facility in accordance with this Bylaw.
- 7.4 The CAO may:
 - 7.4.1 Limit the use of any Public Facility or portion thereof to the playing of one or more types of active games.
 - 7.4.2 Prohibit the use of any Public Facility or portion thereof for the playing of any active game, where such use may damage grass, flowers, trees, shrubs, buildings or structures.
- 7.5 All rules and regulations governing the use of any Public Facility shall be filed in the office of the CAO and, if possible, displayed at the Public Facility affected.
- 7.6 Council may, at any time, shut off or close up any or all highways or thoroughfares of any Public Facility and may make any or all highways within any Public Facility one-way traffic roads.
- 7.7 Council may, by resolution, designate a Public Facility or part of a Public Facility where any of the activities prohibited herein, are to be permitted.
- 7.8 City Council may, at any time, authorize a charge or charges to be levied for the admission to or use of a Public Facility or portion thereof.

SECTION 8 - PUBLIC FACILITY OPERATING HOURS

- 8.1 All Public Spaces 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 CAO has been received.
- 8.2 In addition to the provisions of Section 8.1, Council may by resolution regulate the hours of operation, and/or close a Public Facility for such hours or period of time as it may direct.
- 8.3 No person shall attend a public facility
 - 8.3.1 outside of the hours of operation, or
 - 8.3.2 during a time where it is closed to the public.

SECTION 9 – ALTERNATIVE USES OF ENVIRONMENTAL RESERVES

- 9.1 In accordance with section 671(1) of the *Municipal Government Act*, all ER in the City must be kept in their natural state or used as a public park, subject to the exception that, the following specified Environmental Reserves, may be leased at the

discretion of the City, to the Adjacent Owner for Authorized Alternative Uses as specified in this bylaw:

- 9.1.1 Lot 8ER, Plan 872 2507
 - 9.1.2 Lot 9ER, Plan 872 2507
 - 9.1.3 Lot 5ER, Plan 852 1479
 - 9.1.4 Lot 6ER, Plan 852 1479
 - 9.1.5 Lot 5ER, Plan 922 2336
 - 9.1.6 Lot 6ER, Plan 922 2336
 - 9.1.7 Lot 3ER, Block 1, Plan 842 2290
 - 9.1.8 Lot 12ER, Block 1, Plan 122 1542
 - 9.1.9 Lot 39ER, Block 1, Plan 942 2902
 - 9.1.10 Lot 40ER, Block 1, Plan 942 2902
 - 9.1.11 Lot 41ER, Block 1, Plan 942 2902
 - 9.1.12 Lot 42ER, Block 1, Plan 942 2902
 - 9.1.13 Lot 43ER, Block 1, Plan 942 2902
 - 9.1.14 Lot R, Plan 2742NY
 - 9.1.15 Lot R1, Plan 3629NY
 - 9.1.16 Lot 46ER, Block 3, Plan 882 2311
 - 9.1.17 Lot 42R, Block 3, Plan 4857NY
- 9.2 In accordance with section 676(1)(a) and (c) of the *Municipal Government Act*, an Adjacent Owner of an ER listed in section 9.1 may request to lease the portion of the ER directly abutting their property, for a period not exceeding three (3) years, for the following private recreational uses (the “Authorized Alternative Uses”):
- 9.2.1 Portable docks or mooring structures;
 - 9.2.2 Boat lifts;
 - 9.2.3 Fire pits;
 - 9.2.4 Patios;
 - 9.2.5 Portable sheds;
- 9.3 An Adjacent Owner of an ER listed in section 9.1, may not use the ER for any private recreational use whatsoever subject to the exception of Authorized Alternative Uses lawfully permitted through a valid lease in accordance with section 9.2.
- 9.4 Notwithstanding section 9.3, pre-existing fences, retaining walls, permanent structures and Landscaping in place as of the date of first reading of this Bylaw may remain, subject to execution of a lease in accordance with section 9.2. No new fences, retaining walls, permanent structures, or Landscaping shall be permitted within the ER listed in section 9.1 of this Bylaw unless erected by the City.
- 9.5 All requests to lease a portion of ER shall require approval of Council; and must comply with the requirements of the City’s *Environmental Reserve Lands Policy*. Leases approved by Council may be renewed in accordance with the City’s *Environmental Reserve Lands Policy*.
- 9.6 Any leases made pursuant to the provisions of this Bylaw, apply only to the improvement(s) or portion of the improvement(s) located fully within the boundaries of the specified ER indicated in the lease. Any improvement(s) which extend beyond the boundaries of the specified ER only lands under the jurisdiction of the Government of Alberta are subject to any regulations established by the Province.
- 9.7 No Person shall Landscape the ER, subject to the exception of Landscaping which existed as of the date of first reading of this Bylaw and lawfully permitted through a valid lease in accordance with section 9.4.
- 9.8 No Person, including any Adjacent Owner, shall use the ER for any purpose, including placing any item on the ER, unless lawful authority has been obtained for the Authorized Alternative Use through a fully executed lease with the City, authorizing that particular use.

- 9.9 Without prior written authorization of the City, no Person shall do anything or take any action to alter or change the natural state of the ER.
- 9.10 Authorized Alternative Uses must comply with all other provisions of this bylaw including but not limited to Section 10 of this Bylaw.
- 9.11 Decisions of Council, made in relation to section 9 of this Bylaw, may be appealed by submitting a request in writing to the Chief Administrative Officer within fourteen (14) days of the decision date being appealed. The appeals will be heard by a Committee of Council within thirty (30) days of receipt of the appeal. Decisions of the Committee of Council are final.

SECTION 10 – PROTECTION OF TREES IN PUBLIC SPACES

- 10.1 All Public Trees shall be deemed to be the property of the City and the care, custody, and control of such trees shall be with the City.
- 10.2 The planting of Public Trees shall be carried out by the City's Parks department.
- 10.3 No person shall, without the prior written authorization of the Parks Foreman:
 - 10.3.1 Remove a Public Tree or cause a Public Tree to be removed;
 - 10.3.2 Remove the bark of a Public Tree or cause the bark of a Public Tree to be Removed;
 - 10.3.3 use, or cause the use of, any object to penetrate the bark of a Public Tree;
 - 10.3.4 place any building materials or other similar object against a Public Tree;
 - 10.3.5 attach, by any means, a sign or poster to any Public Tree;
 - 10.3.6 attach electrical cords to any Public Tree;
 - 10.3.7 use a Public Tree to secure any object;
 - 10.3.8 put any thing on, or cause anything to be put on, a Public Tree;
 - 10.3.9 Remove or cause to be Removed, any part of a Tree Protection Barrier or enter an area enclosed by a Tree Protection Barrier;
 - 10.3.10 place, apply, spray, or cause to be placed, applied or sprayed any substances other than water on or near any Public Tree.
- 10.4 Any signs erected on or attached to private property shall be located in a manner in which no may interferes with a Public Tree and will not necessitate pruning or thinning in excess of normal practice without prior written authorization of the Parks Foreman.
- 10.5 The Parks Department may remove from any Public Tree, any wire, rope, nail, poster, or any such contrivance, that may, in the opinion of the Parks Foreman damage the Public Tree.
- 10.6 The Parks Department may replace any Public Tree that has died or been removed provided that such replacement, in the opinion of the Parks Foreman is desirable.
- 5.4 Any Person in contravention of Section 10 shall, in addition to the fine specified in Schedule "A" herein, be responsible for the cost associated with the replacement or repair of the damaged tree(s).

SECTION 11 - OFFENCES AND PENALTIES

- 11.1 Any person or corporation that contravenes this Bylaw is guilty of an offence.
- 11.2 All violations under this bylaw shall be constituted as separate offences and treated as such.
- 11.3 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.
- 11.4 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 Ten Thousand (\$10,000.00), and to imprisonment for not more than one (1) year for non-payment of a fine.
- 11.5 The penalty for a second offence, shall be double the fine amount as indicated in Schedule “A” of this Bylaw.
- 11.6 The penalty, for a third and subsequent offences, shall be triple the fine amount as indicated in Schedule “A” of this Bylaw.

SECTION 12 - MUNICIPAL VIOLATION TAGS AND PROVINCIAL VIOLATION TICKETS

- 12.1 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.
- 12.2 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.
- 12.3 A Provincial Violation Ticket must be paid before the date specified by the ticket.
- 12.4 A Municipal Violation Tag must be paid within thirty (30) days of the date it was issued.
- 12.5 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.
- 12.6 If a Provincial Violation Ticket is issued in respect to an offence:
 - 12.6.1 The Provincial Violation Ticket may specify the fine amount established by this bylaw for the offence;
 - 12.6.2 The Provincial Violation Ticket may require a person to appear in court without the alternative of making a voluntary payment;
- 12.7 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
- 12.8 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 14 – BYLAW REPEAL

- 14.1 Bylaw No. 222-PL-05, being a Municipal Properties Tree Protection Bylaw is hereby repealed.

- 14.2 Bylaw No. 539-PL-14, being a Parks and Public Facilities Bylaw is hereby repealed.
- 14.3 Bylaw No. 698-LU-21, being an Alternative Uses of Environmental Reserve Bylaw is hereby repealed.

SECTION 15 - ENACTMENT

- 15.1 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 ____ day of _____, A.D., 20____, on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this ____ day of _____, A.D., 20____, on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this____ day of _____, A.D., 20____ on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

Executed this____ day of _____, 20__

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

CITY OF COLD LAKE
BYLAW 812-PL-23
Schedule “A” – Fines*

Section No.	Description	Fine Amount
5.1	Littering or Damage	\$250
5.2	Disturbing Wildlife	\$250
6.1	Weapons	\$500
7.1	Prohibited Use	\$250
8.3	Enter Closed Facility	\$500
9.7	Landscape ER	\$250
9.8	Unlawfully Use ER	\$250
9.9	Change Natural State of ER	\$250
10.3	Public Trees	\$300
11.3	Obstruct Officer	\$500