

CITY OF GRANDE PRAIRIE

BYLAW C-1310

A Bylaw of the City of Grande Prairie to regulate the use of Parkland

WHEREAS, pursuant to Section 7 of the Municipal Government Act RSA 2000, Chapter M-26, Grande Prairie City Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS, pursuant to Section 7 of the Municipal Government Act, 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, pursuant to section 7 of the Municipal Government Act, Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under this or any other enactment, including the creation of offences.

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw shall be called the “Parkland Bylaw”.

DEFINITIONS

2. In this Bylaw:

“**Boulevard**” has the same meaning as defined in the Traffic Safety Act, RSA 2000, Chapter T-6, and amendments thereto.

“**City**” means the municipal corporation of the City of Grande Prairie, in the Province of Alberta.

“**City Clerk**” means the City Clerk of the City or their designate.

“**Committee**” means the Protective and Social Services Committee of the City.

“**Council**” means the duly elected municipal Council of the City.

“**Director**” means the City’s Infrastructure and Economic Development Director or a person or persons designated to carry out and exercise all or some of the functions of the Director pursuant to this Bylaw.

“**Foreign Matter**” means dirt, clay, rock, gravel, cinders, shavings, wood scrap, ashes, iron or metal scrap, trade waste, house refuse, grass clippings, tree cuttings, garden waste, or any other material, matter or substance that is likely to interfere with the appearance of the Parkland.

“**Highway**” has the same meaning as defined in the Traffic Safety Act, RSA 2000, Chapter T-6, and amendments thereto.

“Municipal Tag” means a tag or ticket wherein a Person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a Voluntary Penalty to the City in lieu of prosecution for the alleged breach.

“Parkland” means:

- a) those portions of any lands owned by The Grande Prairie Public School Division, The Grande Prairie Roman Catholic Separate School Division, and the Grande Prairie Regional College which are referred under the SCORES agreement;
- b) environmental reserves and natural areas; and
- c) any land under the City’s direction, management or control including but not limited to:
 - i) land titled to the City;
 - ii) developed or undeveloped road right-of-ways and statutory road allowances;
 - iii) all easements in favour of the City; and
 - iv) all utility right-of-ways.
- d) Public Land commonly referred as Parkland in the City, subject to any exception provided in any statute of the Province of Alberta, or any agreement entered by the City affecting the use of Public Land; and
- e) public space controlled by the City and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes, playgrounds, natural areas, sports fields, pathways, and trails.

“Peace Officer” means a member of a Royal Canadian Mounted Police, a Bylaw Enforcement Officer or Community Peace Officer of the City.

“Permit” means written permission granted by the Director, for an activity not otherwise allowed under this Bylaw.

“Person” means an individual Person, a firm, partnership, joint venture, corporation, association, society and any other incorporated body.

“Public Land” means:

- a) public utility lots and storm water management facilities;
- b) municipal reserves and school reserves;
- c) environmental reserves and natural areas; and
- d) any land under the City’s direction, management or control including but not limited to:
 - i) land titled to the City;
 - ii) developed or undeveloped road right-of-ways and statutory road allowances;
 - iii) all easements in favour of the City;
 - iv) all utility right-of-ways;
 - v) all Boulevards; and
 - vi) all Highways maintained and controlled by the City.
- e) all lands and premises owned by the City which are designated as a Parkland.

“Public Notice” means placement of a sign or bulletin on Public Land giving announcement, advertisement or warning.

“Unauthorized Use” means a Person accessing on or over Public Lands or constructing, storing, erecting or placing anything on/under or over Public Land for any purpose without written consent from the City.

“Vehicle” means:

- a) a car, truck, motor home, boat, all-terrain Vehicle, motorcycle, snowmobile or other device which is or may be propelled by a motor; and
- b) a holiday trailer, trailer, camper, non-power boat or other device which may be towed behind another Vehicle; but
- c) does not include a bicycle, or drone.

“Voluntary Penalty” means a penalty specified in Schedule “A” of this Bylaw which amount may be paid by the Person to whom a Municipal Tag is issued, in lieu of prosecution.

AUTHORITY OF CITY COUNCIL

3. Council may make rules and regulation governing the use or uses of such Parkland or portion thereof and may amend and repeal any such rules and regulation. Records of rules and regulation governing the use of any Parkland will be maintained by the City and open to public inspection during business hours, as requested.
4. Council may, shut off or close any Parkland, or portion thereof, including all Highways or thoroughfares, and may control traffic flow within any Parkland.
5. Council may, at any time, authorize a charge or charges in accordance with [Bylaw C-1395, Schedule “A”](#) to be levied for the admission to or use of a Parkland or portion thereof.

AUTHORITY OF DIRECTOR

6. The Director is authorized to:
 - a) issue any Permit required under this Bylaw; and
 - b) impose conditions, set fees in accordance with [Bylaw C-1395, Schedule “A”](#) modify, suspend or cancel any Permit issued under this Bylaw.
7. The Director may, at any time deemed necessary, temporarily close any Parkland or any portion thereof to public use, limit the use of any Parkland or portion thereof to the playing of one or more types of active games, or prohibit the use of any Parkland or portion thereof for any activity or game, that may damage grass, flowers, trees, shrubs, equipment, buildings or structures.

APPEALS

8. Any Person who is affected by a decision of the Director may appeal to the Committee by delivering to the City Clerk, a notice of appeal in the form prescribed by the City within fourteen (14) days of the date of the decision.
9. Upon receipt of a notice of appeal, the City Clerk shall:
 - a) arrange for the Committee to hear the appeal; and
 - b) notify the appellant in writing of the date, time and place of the appeal hearing.
10. An appeal shall be heard by the Committee within forty-two (42) days of the date a notice of appeal is received by the City Clerk.
11. The Committee may uphold, vary, or reverse a decision of the Director.

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12. The Director shall advise an appellant of the outcome of the appeal within seven (7) days of the decision being rendered by the Committee.

CONTRAVENTION OF PERMIT

13. No Person shall contravene any term or condition contained in a Permit issued by the Director, pursuant to this Bylaw.

PERMISSION FOR ACTIVITIES ON PARKLAND

14. Notwithstanding any other provision of this Bylaw a Person may carry out an activity on Parkland otherwise regulated, restricted or prohibited by this Bylaw, providing that:
- a) a Permit has been issued by the Director allowing such activity;
 - b) the activity is permitted pursuant to a license, or a rental agreement, which governs the activity, or the usage of Parkland for the activity; and
 - c) the activity takes place in an area designated by the Director, for such activity.

ACTIVITIES ALLOWED IN DESIGNATED AREAS

15. As allowed by the Director, and in accordance with any terms or conditions established by the Director, in a designated area a Person may engage in the following activities:
- a) ride downhill on a toboggan, sleigh, carpet or any other sliding device;
 - b) ride downhill on skis, on a snowboard or on another similar device;
 - c) play hockey;
 - d) play disc golf; or
 - e) engage in any other similar activity, specifically approved by the Director.

Providing the activity is not specifically prohibited on Parkland by any other City bylaw.

COMMERCIAL ACTIVITY

16. The Director may, by Permit or lease, authorize a commercial activity in any Parkland, where that activity provides user convenience, encourages active living, supports arts, culture and tourism, or improves the efficiency of park operations. Commercial activities include, but are not limited to:
- a) food service providers;
 - b) festivals and cultural events; (as defined in [Bylaw C-1405](#), Outdoor Events Permit Bylaw)
 - c) entertainment or busking; or
 - d) vendor provided programs, lessons, equipment rentals or other park related activities.
17. The Director may refuse any commercial activity, that in the opinion of the Director, will have a negative impact on other users of Parkland, or have a negative impact on the natural environment of any Parkland, or is inconsistent with the City guiding principles and values.
18. No Person shall engage in a commercial activity in any Parkland without a Permit from the Director.

ENTRANCE

19. No Person, other than a City official, an employee of the City, or agent of the City, while acting in the course of their duties or employment, shall enter any Parkland or portion thereof while it is closed.

GENERAL PROHIBITION

20. Except with a Permit, or written permission from the Director, in a Parkland, no Person shall:
- a) place or erect any structures, sign, bulletin board, post, pole, or advertising device of any kind, or attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure;
 - b) distribute any hand bills or circulars;
 - c) use any audible advertising device;
 - d) throw or cast any stones, balls of snow or ice, projectiles, or any other dangerous object, unless it is a part of a recreational sport, specifically permitted in Parkland;
 - e) kill, injure, tease, molest, or disturb any bird or animal, or take, destroy or disturb the eggs or young of such bird or animal;
 - f) remove, destroy, mutilate, deface, or climb upon any tree, structure or fixture including but not limited to any monument, fountain, wall, fence, wire netting, Vehicle, gate, sign, seat, bench or exhibit;
 - g) plug into, tamper with, or in any way damage any plumbing, electrical, heating, or other fixture;
 - h) cut, chop or in any way harm or deface any tree, turf, shrub, hedge, plant, flower or ornament;
 - i) walk, stand, or sit on any flowerbed;
 - j) walk upon any lawn or garden area where Public Notice prohibits Persons from so doing;
 - k) dig in the soil or ground, or remove any tree, plant, shrub, or equipment of any kind that is growing or fixed therein;
 - l) write, mark, draw, or paint on any fence, tree, post, equipment, shed, building, or other structure;
 - m) drive, ride, or lead any horse or other animal, except on a Highway, trail, walkway, or area designated for such purpose by the Director;
 - n) have a dog off leash other than a designated off leash area, unless the Person is participating in a City authorized and City sanctioned off leash dog event;
(Also see the provisions in [Bylaw C-1226 Animals and Responsible Pet Ownership Bylaw](#))
 - o) operate a motorized Vehicle, other than a mobility aid, in Parkland, other than on a Highway designated for motor Vehicle usage, and in accordance with the Traffic Safety Act;
 - p) start, ignite, or maintain a fire, permit a fire to be started or ignited, use a combustible wood or charcoal cooking or heating device, use a propane or natural gas cooking or heating device, or use a use an electric cooking or heating device, except in a designated fireplace, fire pit, or other apparatus provided therein for such purposes;
 - q) set off fireworks;
 - r) place, deposit or discard, paper, glass or other refuse which may be offensive, injurious, or inconvenient to Persons using a Parkland, except in a receptacle provided for such purpose; or
 - s) place or deposit any foreign matter in a Parkland, except in a receptacle provided for such purpose.

OCCUPYING PARKLAND

21. Without first obtaining permission from the Director, in any Parkland, no Person shall reside or camp, except for those areas specifically established and permitted for such purpose, and then only in accordance with the terms and conditions established by the Director.
22. Without first obtaining permission from the Director, in any Parkland, no Person shall occupy, erect, control, park, or abandon a tent, structure, temporary shelter, utility trailer, motor Vehicle, camper, recreational Vehicle, travel trailer, building, or any other similar living shelter.
23. Without first obtaining permission from the Director, in any Parkland, no Person shall store, place or leave anything, including but not limited to, personal property or belongings, carts, bicycles, tools, constructions material or equipment or any other similar or related items.

UNAUTHORIZED USE

24. No Person shall make Unauthorized Use of Public Lands.

DISTURBANCE

25. No Person shall make loud noise, use blasphemous, vulgar, or insulting language, engage disorderly conduct of any kind, or engage in any activity which is likely to lead to a breach of the peace, or disturb any other Person in any Parkland or using any Parkland facility.
26. No Person shall obstruct the free use or enjoyment of any Parkland by any other Person.

GAMBLING WITHOUT PERMIT

27. No Person shall administer or participate in any game of chance or other gambling in any Parkland except when written permission has been obtained from the Director.

PARADE AND CONCERT

28. Without first obtaining Permit from the Director, in any Parkland, no Person shall sponsor or participate in a concert, march, drill, parade, public picnic, political gathering, religious gathering, unlawful protest, or any other such similar ceremony or activity.

PROHIBITED ACTIVITIES

29. No Person shall ride a bicycle within any Parkland where riding a bicycle is prohibited by a sign or Public Notice.
30. No Person shall play golf in a Parkland, except in those areas specifically established and permitted for such purpose, and then only then in accordance with the terms and conditions established by the Director.
31. No Person shall swim, bathe, or wade in any lake, stream, river, pond, or pool within a Parkland, other than in a designated swimming facility, and then only then in accordance with the terms and conditions established by the Director, who may regulate the days and hours wherein the activity is permitted.

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32. No Person shall operate a boat, wind-surfer or other water-borne craft on any lake, pond or other similar body of water except in an area designated by the City for such activity.
 33. No Person shall skate on the ice in a Parkland, other than in a designated area, and then only then in accordance with the terms and conditions established by the Director.
 34. Without a Permit from the Director, no Person shall operate a drone in any Parkland, unless:
 - a) the drone weighs less than 250 grams;
 - b) the drone complies with all provincial and federal legislation including all requirements under the Canadian Aviation Regulations (SOR/96-433); and
 - c) the drone is operated in a designated area, approved by the Director.
 35. Without a Permit from the Director, no Person shall launch or land a hot air balloon, unless it's launching or landing a hot air balloon is required due to safety considerations or in an emergency situation.

EXEMPTION

36. This Bylaw shall not apply to any employee, or agent of the City acting in the course of their duties or employment.
37. This Bylaw shall not apply to any act of emergency maintenance or repair being carried out by employees or contractors of any private utility on behalf of the City.

OFFENCES AND POWERS OF PEACE OFFICERS

38. Any Person who contravenes any provision or requirements of this Bylaw is guilty of an offence and is liable for, and subject to the fines listed in Schedule "A".
39. Any Person who contravenes any provision of this Bylaw is guilty of an offence, and is liable:
 - a) for a first offence to a specific fine listed in Schedule "A".
 - b) for a second subsequent offence, within a calendar year, to double the specific fine listed in Schedule "A".
40. Any Person who is found guilty of an offence under this Bylaw is liable to a fine of at least the specified fine, and for each offence imposing a fine not exceeding \$10,000.00, or imprisonment for not more than one year, or both.
41. A Peace Officer may issue a Municipal Tag, violation ticket, or summons pursuant to the Provincial Offences Procedure Act, to any Person who contravenes any provision of this Bylaw.
42. Service of a Municipal Tag shall be completed if it is:
 - a) personally served;
 - b) attached to any Vehicle with respect of an offence alleged to have been committed in relation to that Vehicle;
 - c) sent by ordinary mail to the residence of the registered owner of a Vehicle; or
 - d) left for the defendant, at their residence with an occupant of the residence who appears to be at least eighteen (18) years of age.

CONTINUING OFFENCE

- 43. In the case of an offence that is of a continuing nature, a contravention of any provision of this Bylaw constitutes a separate offence, with respect to each day, or part of a day, during which the contravention continues, and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw, for each such separate offence.

SEVERABILITY

- 44. Should any provision of this Bylaw be invalid or unlawful, then that provision shall be severed, and the remaining bylaw shall be maintained and remain in force.

REPEALED

- 45. Bylaw C-834 and all amendments thereto, are hereby repealed.

COMING INTO FORCE

- 46. This Bylaw shall take effect on the date it is passed.

READ a first time this 14 day of December , 2020.

READ a second time this 14 day of December , 2020.

READ a third time and finally passed this 14 day of December , 2020.

“B. Given” (signed)
Mayor

“A. Karbasheski” (signed)
City Clerk

BYLAW C-1310

SCHEDULE "A"

FINES

<u>Section No.</u>	<u>Offence</u>	<u>Fine</u>
CONTRAVENTION OF PERMIT		
13.	Contravene term or condition of a Permit	\$500.00
COMMERCIAL ACTIVITY		
18.	Engage in commercial activity without Permit	\$250.00
ENTRANCE		
19.	Enter Parkland while closed	\$150.00
GENERAL PROHIBITION		
20.(a)	Erect or attach sign, advertising, notice, poster	\$150.00
20.(b)	Distribute hand bills or circulars	\$150.00
20.(c)	Use audible advertising device	\$150.00
20.(d)	Throw or cast any stones, or any other dangerous object	\$150.00
20.(e)	Kill, injure, tease, or disturb bird or animal	\$150.00
20.(f)	Remove, destroy, deface or climb on structure or fixture	\$150.00
20.(g)	Plug into, damage or tamper with plumbing, electrical or heating	\$150.00
20.(h)	Cut, harm, deface any turf, tree, shrub, plant or ornament	\$150.00
20.(i)	Walk, stand in any flowerbed	\$150.00
20.(j)	Walk on lawn or garden area where prohibited	\$150.00
20.(k)	Dig in ground, or remove tree, plant, or equipment of any kind	\$250.00
20.(l)	Write, mark or paint on any fence, tee, equipment or shed	\$250.00
20.(m)	Drive, ride or lead a horse or other animal in Parkland	\$150.00
20.(n)	Have a dog off leash in Parkland	\$150.00
20.(o)	Operate motorized Vehicle in Parkland	\$250.00
20.(p)	Start a fire or other use a combustible device in Parkland	\$250.00

<u>Section No.</u>	<u>Offence</u>	<u>Fine</u>
20.(q)	Set off fireworks	\$250.00
20.(r)	Litter in a Parkland	\$250.00
20.(s)	Dump or deposit foreign matter within a Parkland	\$250.00
OCCUPYING PUBLIC LAND		
21.	Camp or reside in any Parkland without permission	\$250.00
22.	Occupy or erect a tent, temporary structure, or other living shelter	\$250.00
23.	Store or leave property, belongings, material, or equipment on Parkland	\$250.00
UNAUTHORIZED USE		
24.	Make Unauthorized Use of Public Lands	\$250.00
DISTURBANCE		
25.	Make loud noise or use insulting, vulgar or offensive language	\$250.00
26.	Obstruct free use or enjoyment of any Parkland	\$250.00
GAMBLING WITHOUT PERMIT		
27.	Administer or participate in gambling without permission of the Director	\$250.00
PARADE OR CONCERT		
28.	March, drill, parade, protest or gather without Permit from Director	\$250.00
PROHIBITED ACTIVITIES		
29.	Ride bicycle in prohibited area	\$100.00
30.	Play golf in a Parkland	\$100.00
31.	Swim, wade in lake, stream, river, pond or pool without permission	\$100.00
32.	Operate a boat or other watercraft, not in a designated area	\$100.00
33.	Skate on in a Parkland outside designated area	\$100.00
34.	Operate a drone in Parkland without Permit	\$150.00
35.	Launch or land hot air balloon without Permit	\$150.00