

**BY-LAW NO. 11/2010
COUNTY OF FORTY MILE NO. 8**

A BY-LAW OF THE COUNTY OF FORTY MILE NO. 8 IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL AND OPERATION OF PARKS AND CAMPGROUNDS UNDER THE JURISDICTION OF COUNCIL.

WHEREAS, pursuant to Section 7 (a) of the Municipal Government Act RSA 2000 and amendments thereto, Council may pass a by-law for the safety, health and welfare of people and the protection of people and property.

WHEREAS pursuant to Section 7 (b) of the Municipal Government Act RSA 2000 and amendments thereto, Council may pass a by-law respecting all matters pertaining to people, activities and things in, on or near a public place or place that is open to the public.

WHEREAS Council of the County of Forty Mile No. 8 has established and may establish parks and campgrounds; and

WHEREAS Council of the County of Forty Mile No. 8 wishes to establish rules and regulations for the control and operation of 40 Mile Park.

NOW THEREFORE, Council of the County of Forty Mile No. 8 in the Province of Alberta duly assembled, enacts as follows:

1. This By-Law may be cited as "*The Parks By-Law*".

2. Definition:

2.1. "*Aircraft*"- includes any type of devices designed to carry persons or objects through the air in powered or powerless flight.

2.2. "*Animal*" means a domestic animal and includes an animal that is wild by nature, but has been domesticated.

2.3. "*Camping Accommodation Unit*" means

2.3.1. a tent

2.3.2. a trailer

2.3.3. a tent trailer

2.3.4. a motor home

2.3.5. a van or

2.3.6. a truck camper

2.3.7. a fifth wheel

used by a person as shelter equipment while camping.

2.4. A lot owner is also a sub-lease holder of an identified lot in the Park.

2.5. "*Designated area*" means an area of the Park designed or used or determined by Council / 40 Mile Park Committee to have a specific use or uses.

2.6. "*Firearms*" means any device that propels a project able by means of explosion, spring, air, gas, string, wire or elastic material or any combination of these things.

2.7. "*Highway*" means highway as defined in the Alberta Traffic Safety Act.

2.8. "*Individual Camp Site*" means a camp site in the Park designated as an individual camp site under this By-Law.

2.9. "*Lease Lot*" means a leased lot within the Park.

- 2.10. "**Motor Vehicle**" means a motor vehicle as defined in the Highway Traffic Act.
- 2.11. "**Nuisance**" means drunkenness, use of obscene, offensive or insulting language, fighting or disorderly conduct, disruptive partying, excessively loud music, something or someone being disruptively noisy;
- 2.12. "**Off-Highway Vehicle**" means an Off-Highway Vehicle as defined in the Alberta Traffic Safety Act.
- 2.13. "**Park**" means an area or areas designed from time to time by the Council of the County of Forty Mile No. 8 as a Park and includes such areas as form Schedule A of this By-Law.
- 2.14. "**40 Mile Park Management Committee**" is a Committee appointed by the Council of the County of Forty Mile No. 8 to develop and manage the operations of the Park.
- 2.15. "**Park Manager**" means a person appointed by the County of Forty Mile No. 8.
- 2.16. "**Peace Officer**" is a member of the Royal Canadian Mounted Police, a Fish and Wildlife Officer, or a Municipal Enforcement Officer of the County of Forty Mile No. 8.
- 2.17. "**Quiet Time**" means that time between 11:00 P. M. (23:00 hours) and 7:00 A.M. (07:00 hours) when the Park shall be free of any excessive noises that would disrupt people sleeping other than permitted functions approved by the 40 Mile Park Management Committee.
- 2.18. "**Summons**" means a violation ticket as defined in the Provincial Offences Procedures Act, Regulation RSA 2000 P-34.
- 2.19. "**Site**" means any designated area.

3. **General**

- 3.1 A person who enters the Park shall comply with
 - a) any lawful orders and instructions made or issued pursuant to this By-Law and,
 - b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.
 - c) Park rules published and distributed by the 40 Mile Park Management Committee.
- 3.2. The 40 Mile Park Management Committee may
 - a) Subject to the Alberta Traffic Safety Act and Municipal Government Act, control and prohibit the movement or vehicular, pedestrian and other traffic by means of signs and notices designated and erected by them, and
 - b) Designate and erect other signs and notices governing and prohibiting activities that are provided for in the Municipal Government Act or this By-Law.
 - c) Establish fees for:
 - 1) Day Use
 - 2) Camping
 - 3) Seasonal Rental
 - 4) Annual Lease
 - 5) Rents, concessions and such other operational activities as they consider necessary for the well being of the Park.
- 3.3. A person using the Park shall keep the land and improvements in a condition satisfactorily to the 40 Mile Park Management Committee or the designate.
- 3.4. Check out time is 11:00 A. M. unless approved by the Park Manager.
- 3.5. Lot Lease Holders and campers are responsible for the actions of all occupants

and guests present on their site at all times, even when the lot owner or registered camper is not personally present.

- 3.6. Quiet time is from 11:00 P. M. – 7:00 A. M. Leaseholders and campers are required to keep noise to a level that will not disturb other users of the Park. Loud partying, use of other electronic amplifying equipment at a high volume and other rowdy behaviour is not tolerated excepting thereout permitted functions approved by the 40 Mile Park Management Committee.
- 3.7. All persons under 18 years of age shall be restricted to their site after midnight unless supervised by a parent or guardian.
- 3.8. Bottles, cans or garbage are not to be placed in fire pits.
- 3.9. Only bagged household garbage is to be disposed of in a dumpster.
- 3.10. In areas in the Park where waste disposal receptacles are not provided, waste matters shall be carried out of the area for disposal in a receptacle designed for that purpose.
- 3.11. Cutting down, damaging or removal of natural vegetation is prohibited without prior approval of the Park Manager.
- 3.12. No alcohol shall be consumed on beach area.
- 3.13. All alcoholic beverages must be kept on registered camp sites / lots.
- 3.14. A person using the Park shall restore the land as nearly as possible to a clean and tidy condition.
- 3.15. The 40 Mile Park Management Committee may make regulations governing the sale of goods and services in the Park.

4. **Prohibitions**

- 4.1. No person shall interfere with the right of others to the quiet and peaceful enjoyment of the Park.
- 4.2. No person who has been removed from the Park pursuant to any section of this By-Law shall within the following 72 hour period, enter or attempt to re-enter the Park.
- 4.3. No person shall remove, deface, injure or destroy any object in the Park, whether created by natural means or otherwise.
- 4.4. No person shall remove, deface or destroy a sign board, sign or notice posted or placed in the Park under the authority of this By-Law.
- 4.5. No person shall display or post any signs or advertisements in the Park other than signs and advertisements approved by the Park Management Board or their designate.
- 4.6. No person shall deposit liquid or solid waste matter in the Park except in a receptacle or area provided for that purpose.
- 4.7. No person shall bring commercial or residential waste matter into the Park for disposal.
- 4.8. No person shall bathe, wash clothing; clean, pluck, draw or skin any fish, bird or animal; clean cooking or eating utensils; wash vehicles or other equipment in the park except in an area designated for the particular purpose.
- 4.9. No person shall remove water from the Park except for the personal use of himself and his party in the camping accommodation unit he is using at the time.
- 4.10. No person shall discharge a firearm within a park unless he is a Peace Officer in performance of his duty.

- 4.11. No person shall loiter in bathrooms.
- 4.12. No person shall discharge fireworks other than on the beach area. Permission must be obtained in advance from the Park Manager.
- 4.13. No person shall make available the sale of goods or services in the Park unless the 40 Mile Park Management Committee has given prior written approval.
- 4.14. No person shall exceed posted speed limits within the Park.
- 4.15. No person shall occupy a camp site without prior registration.

5. Animals

- 5.1. No person shall have more than two (2) dogs in the Park.
- 5.2. No person having the custody or control of an animal shall bring the animal in the Park or allow the animal to enter or remain in the Park unless it is in a cage or is restricted by a leash, chain or other device that is not greater than 2 metres long.
- 5.3. No person having custody or control of an animal shall bring the animal into or allow the animal to enter or remain in or on any area in the Park that is:
 - a) a designated swimming area
 - b) a beach area adjacent to a designated swimming area
 - c) a public washroom, change house, concession, picnic shelter or other public building or structure, or
 - d) an area where signs are posted prohibiting animals
 - e) owners must clean up after their pets
- 5.4. A Peace Officer, Park Manager or designate may refuse to admit to the Park, or require to be removed from the Park, any animal if he/she considers it is not under the control or may be a nuisance or a danger to the life, safety, health, property or comfort of any person in the Park.
- 5.5. A Peace Officer, Park Manager or designate may capture an animal running at large in the Park.
- 5.6. When an animal is captured, the Park Manager or designate shall make a reasonable attempt to contact the owner or person having custody of the animal.
- 5.7. Where the owner or person having custody of the captured animal is not found within a four hour period, the Park Manager shall have the animal delivered to the nearest Animal Pound, shelter, or Veterinarian having impoundment facilities.

6. Fires

- 6.1. No person shall set, light, or maintain a fire in the Park except in a fireplace, pit or other facility designed for that purpose or any time open fires are restricted by the Park Management Committee.
- 6.2. No person shall leave a fire unattended or allow it to spread.
- 6.3. No person shall deposit or dispose of hot coals, ashes, embers, or any other burning or smoldering materials in a place other than a stove, fire pit or other place provided for that purpose.
- 6.4. Every person who sets, lights or maintains a fire shall extinguish the fire, hot coals, and smoldering materials before leaving a camp or lot site.
- 6.5. Where the Park Management Committee is of the opinion that a fire hazard exists in a Park, it may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the Park.

6.6. No person shall remove a fire pit from a site.

7. Vehicles

7.1. No person shall, within the Park operate or ride an off-highway vehicle or any other such specialized means of conveyance, whether motor drive or propelled by human power except:

- a) on a trail or in an area set aside, designate or identified by regulatory signs, notices, or trail markers posted as a trail or area for the use of such conveyances.
- b) on a place or way which the public is ordinarily entitled or permitted to use for the passage of such conveyances.
- c) Sub-section 7.1 does not apply to bicycles or vehicles operated by Park Staff.

7.2. No person shall park or leave a motor vehicle, boat, trailer or camping accommodation unit, or permit a motor vehicle, boat trailer, or camping accommodation unit to be parked or left in the Park other than in parking areas designated for the purpose by the Park Management Committee or County Council.

7.3. The Park Committee or their designate and/or Peace Officer may prohibit the entry of a vehicle into any part of the Park.

7.4. Camping vehicles must stop at the gate and show their Park pass or registration before entering the Park.

7.5. Speed limits are posted throughout the Park. Drive cautiously and obey all speed limits as children may be playing in the area. The roads are often used as pathways and pedestrians have the right of way at all times.

7.6. No parking on any roadways within the Park.

7.7. Boat trailers must be parked on the owner's lot or in designated parking within the Park.

7.8. 1) In this Section "*abandoned*" means left standing at a location for more than 72 consecutive hours other than pursuant to:

- a) a licence, permit or other similar authorizations, or
- b) prior authorization of Park Management

2) If a motor vehicle, off-highway vehicle, aircraft, boat trailer, equipment, appliance article or object:

- a) is abandoned
- b) remains in an area after the authorization to be in that area expires, or
- c) is located in a prohibited area,

The County Peace Officer, may move an item or cause it to be moved to a location determined by him/her and store it or cause it to be stored or order the owner, operator or person in charge of the item to move the item to a location determined by them and within a period of time determined by them.

3) Where the Park moves or stores an item or causes it to be moved or stored under this Section, the cost of doing so

- a) is the responsibility of the owner of the item,
- b) constitutes a lien on the item,
- c) may be recovered from the owner in an action for debt, and
- d) must be paid before the item is returned to the owner, operator or person in charge of it.

4) Stored property pursuant to this section, remaining unclaimed within 6 months of the date it was stored, shall be considered abandoned by the

owner and may be disposed of as the County Council deems appropriate.

8. Camping/Lease Holders/Seasonal Renters

- 8.1. The 40 Mile Park Management Committee may provide for and designate areas within the Park for camping, day use and group camping purposes.
- 8.2. Permits shall be issued on a first-come, first-served basis except in that portion of the Park in which a camp site reservation system is in effect.
- 8.3. No person shall camp overnight in the Park:
 - a) Except in an area designated for that purpose, unless it is otherwise authorized by the Park or a designated person
 - b) Unless he has a valid permit under this By-Law to do so
- 8.4. No person shall alter a camping permit.
- 8.5. No person shall transfer a camping permit to another person.
- 8.6. The holder of a camping permit shall keep it available for inspection at any time and shall produce it for inspection on the request of Park Staff.
- 8.7.
 - 1) Where a campground within the Park is developed for individual camp sites, only the following vehicles and camping accommodation units are permitted to be kept in the camp site unless the Park Management gives written permission to the contrary.
 - a) One (1) motor vehicle, whether or not it is a camping accommodation unit;
 - b) In addition to the motor vehicle referred to in Clause (a), one (1) camping accommodation unit of any kind, including a camping accommodation unit that is a motor vehicle
 - c) In addition to the motor vehicle referred to in Clause (a) and the camping accommodation unit referred to in Clause (b), one (1) tent
 - 2) No person in whose name an individual camp site is registered shall bring onto or permit to remain on the camp site more vehicles or camping accommodation units than are permitted by Sub-section 1.
 - 3) No person who is visiting a person camped in an individual camp site, shall park his vehicle on the camp site.
 - a) after 11:00 P. M. or
 - b) in a manner or at a location that impede traffic
- 8.8. Not more than 8 persons may occupy an individual camp site, unless they are all members of a single family unit.
- 8.9.
 - 1) No person shall camp for more than 16 consecutive days in the same campground in the Park without the written permission of the Park Manager or designate.
 - 2) For the purpose of Sub-section 1, a period of at least 24 hours must elapse after a person checks out of a camp site after the expiration of a 16 day period before he may again camp in the campground.
- 8.10. A Park Manager, his designate or a Peace Officer may cancel a camping permit without prior notice to the permittee if the permittee contravenes this By-Law and the permittee shall vacate the camp site within 1 hour from having been requested to do so.
- 8.11. On the expiry or cancellation of his camping permit, the permit holder shall ensure that the camp site is vacated and that all shelter equipment and other property belonging to him or persons in his group is removed.

9. Powers of a Peace Officer

9.1. For the purpose of administering this By-Law, a Peace Officer may:

- a) If, in the opinion of a Peace Officer, a nuisance exists, the Peace Officer may order the person causing the nuisance to abate or discontinue the nuisance.
- b) When a person fails to comply with an order made pursuant to Sub-section 9.1 a), the Peace Officer may take whatever steps are necessary to abate or have discontinued the nuisance and the cost of doing so is recoverable from the person as a debt.
- c) Enter on and inspect any land, road, highway, structure or work in a Park;
- d) Order any person in the Park to cease or refrain from any action, omission or conduct that in the opinion of the Peace Officer is dangerous to life or property or detrimental to the use and enjoyment of the Park or recreation area by other persons;
- e) Remove from the Park:
 - i. Any person making an unauthorized use of the Park,
 - ii. Any person failing to comply with any provisions of this By-Law, or
 - iii. Any person creating a nuisance or disturbance or committing a trespass or any undesirable act.

9.2. If a motor vehicle, off highway vehicle, aircraft, boat, trailer, equipment, appliance, article or object:

- i. Is abandoned
- ii. Remains in an area after the authorization to be in that area has expired, or
- iii. Is located in a prohibited area, a Peace Officer may remove, store or dispose of that item in accordance with the By-Law Section 7.9.

10. Development Permits

10.1. Anyone who has leased a lot in the Park and wishes to develop the lot in any way must obtain/complete a Development Application and submit it for approval. No work shall begin until the permit has been approved and the fees paid. A violation of the approved conditions of the Development Permit shall cause an immediate suspension of further development and shall remain suspended until compliance occurs. If compliance does not occur the penalty provisions will apply.

11. Sub-lease Agreement

11.1. Anyone who enters into a Sub-lease Agreement must maintain and adhere to all conditions of the Agreement. Any violation to the Agreement shall cause action to terminate the term of the Agreement.

12. Head Lease

12.1. All users of the Park are subject to the term and conditions set out in the Agreement between Saint Mary River Irrigation District (the owners of the land) and the County of Forty Mile No. 8.

13. Summons

13.1. Upon receipt of a complaint or observation or a violation of this By-Law, a Peace Officer may issue a summons.

If the offence continues, or is allowed to continue, a second summons may be issued.

14. Penalties

14.1. A person who contravenes any provision of this By-Law either by doing something which he is prohibited from doing, or failing to do something which

he is required to do, is guilty of an offence and is liable on summary conviction to a fine of not less than \$50.00 nor in excess of \$200.00 for the First Offence, or not less than \$100.00 nor in excess of \$2,500.00 for the Second or subsequent Offence, or in default of payment of fine and costs to imprisonment for a term not exceeding six (6) months.

- 14.2. Where a Summons is issued for a contravention of this By-Law, a Peace Officer may issue the Summons with a specified penalty prescribed in Schedule A.
 - 14.3. Where a contravention of this By-Law is not prescribed under Section 14.2, a summons may be issued with a specified penalty option of \$25.00.
15. By-Law No. 3/2008 is hereby repealed by the passing of this By-Law.
 16. This By-Law comes into force on date of Third and Final Reading.