



## WESTLOCK COUNTY BY-LAW NO. 05-2019

### WESTLOCK, ALBERTA

Being a bylaw of Westlock County, in the Province of Alberta, that authorizes Westlock County the control and operation of campgrounds and recreational areas under the jurisdiction of Westlock County.

WHEREAS pursuant to Section 7(f) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto (the "MGA"), a municipality has jurisdiction to pass bylaws for municipal purposes respecting services provided by or on behalf of the municipality; respecting the safety, health, welfare and protection of people, property, activities and things in, on, or near a public place or a place that is open to the public

AND WHEREAS the Council of Westlock County has deemed it necessary/desirable to and expedient to regulate certain activities in campgrounds, parks and recreational areas within the jurisdiction of Westlock County for the health, safety, and welfare of the people and property;

AND WHEREAS, Council may establish rules and regulations for the control and operation of all Westlock County owned, leased or managed Parks.

NOW, THEREFORE, THE COUNCIL OF WESTLOCK COUNTY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

#### **1. Title**

1.1 This bylaw may be cited as the "Parks Bylaw".

#### **2. Schedules**

2.1 Schedule A Specified Penalties hereto for a part of this bylaw.

#### **3. Definitions**

In this bylaw:

**3.1** "ABANDONED" means left at a location in any of the following circumstances:

3.1.1 Without a Permit or other similar authorization;

3.1.2 Unattended in a condition that constitutes a present or potential hazard to persons, Animals or property;

3.1.3 After the authorization to be in that area expires; and/or,

3.1.4 Is located in a prohibited area.

**3.2** "ANIMAL" means a domestic Animal and includes an Animal that is wild by nature but has been domesticated.

- 3.3** "CAMPGROUND" means any area within Westlock County that is operated or managed by Westlock County where overnight camping is permitted.
- 3.4** "CAMPING ACCOMODATION UNIT includes but is not limited to:
- 3.4.1 rustic shelter;
  - 3.4.2 tent;
  - 3.4.3 tent trailer;
  - 3.4.4 truck camper;
  - 3.4.5 van;
  - 3.4.6 camper trailer, and/or;
  - 3.4.7 motor home.
- 3.5** "CAMPSITE" means a designated or assigned area in a Campground.
- 3.6** "COUNTY CAMPGROUNDS POLICY" means the specific Rules and Regulations, which govern the activities of the Park or Campground.
- 3.7** "CAO" means the Chief Administrative Officer of Westlock County
- 3.8** "COUNCIL" means the Council of Westlock County.
- 3.9** "COUNTY" means the Municipality of Westlock County.
- 3.10** "CUSTOMER" means a paid user of the respective Park.
- 3.11** "DAY USE AREA" means a portion of a park designated for use between the hours of 7:00 a.m. and 11:00 p.m. and not intended for overnight use.
- 3.12** "FAMILY UNIT" means members of the same family.
- 3.13** "FIRE BAN" means a general fire prohibition by Westlock County or the province of Alberta.
- 3.14** "HIGHWAY" means a Highway as defined in the Traffic Safety Act.
- 3.15** "MOTOR VEHICLE" means a Motor Vehicle as defined in the Traffic Safety Act.
- 3.16** "LIQUOR" means Liquor as defined in the Alberta Gaming, Liquor and Cannabis Act.
- 3.17** "OFF HIGHWAY VEHICLE" means any Off-Highway Vehicle as defined in the Traffic Safety Act.

- 3.18** "PARK" means any land designated by Westlock County for recreational use and may include but is not limited to; municipal reserves, environmental reserves, Campgrounds, day use area, playgrounds, or boat launches managed by Westlock County.
- 3.19** "PARK CARETAKER" means a person appointed under authority of the Parks Bylaw for the express purpose of monitoring activities, issuing Permits and enforcing the rules and regulations of the park or Campground.
- 3.20** "PARK OFFICER" means a Peace Officer as appointed under the authority of Peace Officer Act, a Park Caretaker, or a person designated by the CAO.
- 3.21** "PATRON" means an unpaid user of the park or Campground.
- 3.22** "PEACE OFFICER" means an individual as appointed under the authority of the Peace Officer Act, a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer in the employment of Westlock County.
- 3.23** "PERMIT" means Westlock County's expressed written permission to use an area within a Park or Campground, via a formal Permitting system with fees or authorization of free use through a sign.
- 3.24** "PROJECTILE WEAPON" means a device from which any projectile can be discharged and that is capable of causing serious bodily injury or death to a person or Animal, and includes but is not limited to:
- 3.24.1 devices which project either single or multiple projectiles at high velocity through a controlled explosion;
  - 3.24.2 bows including cross-bows;
  - 3.24.3 paintball guns'
  - 3.24.4 potato canons'
  - 3.24.5 bb, pellet, airsoft's and/or,
  - 3.24.6 sling shots.
- 3.25** "VIOLATION TAG" means a Violation ticket issued under Part 3 of the Provincial Offences Procedures Act.
- 3.26** "WATER BODY" means a location where water flows, whether or not the flow or the presence of water is continuous or intermittent and includes but is not limited to wetlands and aquifers.

#### **4. GENERAL**

- 4.1** Westlock County and its agents shall not be liable for loss or damage caused by anything done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Bylaw.

- 4.2 Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section of this Bylaw be found to have been improperly enacted, that section or part shall be regarded as being severable from this Bylaw and the remaining Bylaw shall be effective and enforceable.
- 4.3 It is understood that the most recent versions of all respective Federal, Provincial and Municipal statutes apply under this Bylaw.
- 4.4 Council may adopt site specific Schedules of Regulations for Parks
- 4.5 For any conflict between a Parks County Campgrounds Policy and this Bylaw, the County Campgrounds Policy will apply.

**5. PERMITS**

- 5.1 Westlock County may issue individual Campsite, Day Use Area, parking, Camping Accommodation Unit and Group Camping Permits under this bylaw.
- 5.2 Westlock County may provide designated areas within its Parks for camping and day use purposes.
  - 5.2.1 The holder of a Permit shall keep it on their dashboard or on the rear-view window available for inspection at any time and shall produce it for inspection on the request of a Park Officer or their designate.
  - 5.2.2 A Park Caretaker or Park Officer may issue a Camping Permit that may be subject to additional regulations stipulated by Westlock County.
  - 5.2.3 A Permit may be revoked at the discretion of the Park Caretaker and/or Park Officer.
  - 5.2.4 Upon their expiry, cancellation or exit the Permit holder shall ensure the area being used is vacated and that all Camping Accommodation Unit(s), equipment and other property and persons belonging to them or person(s) in their group is removed.
- 5.3 **Customers and Patrons shall not;**
  - 5.3.1.1 Alter a Permit; or
  - 5.3.1.2 Transfer a Permit to another Customer or Patron; unless otherwise stated in the County Campgrounds Policy.

**6. PARK ENTRY**

- 6.1 **Customers or Patrons**
  - 6.1.1 Utilizing a Park shall pay the applicable Park specific fee(s); and,

- 6.1.2 Shall comply with any lawful order and instructions, prohibitions and directions prescribed by a Park Caretaker, signage or notice made or issued pursuant to this Bylaw

## **6.2 Quiet and peaceful enjoyment**

- 6.2.1 No Customers or Patrons shall interfere with the quiet and peaceful enjoyment of a Park by others.
- 6.2.2 Generators shall be turned off between the hours of 11:00 p.m. and 7:00 a.m., unless otherwise authorized by the Park Caretaker.
- 6.2.3 Dogs shall not be allowed to bark, howl or make any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the park.

## **6.3 Nuisances**

- 6.3.1 Customers and Patrons using a Park shall keep the land and improvements in a clean and tidy condition, satisfactory to a Park Caretaker or Peace Officer.
- 6.3.2 Customers and Patrons vacating a Park shall restore the land and improvements as nearly as possible, to a clean and tidy condition as they found upon entrance.
- 6.3.3 If, in the opinion of a Peace Officer or Park Officer, a nuisance exists, they may order the Customer or Patron to abate the nuisance.
- 6.3.4 A Peace Officer may direct any necessary undertaking if any Customers and Patrons fail to address or abate a nuisance, clean a site or both. The cost of doing so is recoverable from the Customers and Patrons who failed to comply with the order as a debt.
- 6.3.5 Customers and Patrons shall only display or post approved signs or advertisements in the Park.
- 6.3.6 Customers and Patrons shall not deposit liquid or solid waste matter in a Park except in a receptacle provided for that purpose by Westlock County
- 6.3.7 Customers and Patrons shall not bring commercial or residential waste matter into a Park for disposal.
- 6.3.8 In areas in a Park where waste disposal receptacles or areas are not provided, all Park users shall carry any waste produced by them out of the area for disposal.
- 6.3.9 Customers and Patrons shall not bath or clean anything near a Water Body, drinking fountain, stand pipe, well or pump in any Park unless authorized by the County Campgrounds Policy or a sign.
- 6.3.10 Customers and Patrons shall not remove water from a Park except for personal use while in the Park.

## **6.4 Damaging Property**

Customers and Patrons shall not;

- 6.4.1 Remove, destroy, mutilate, deface, or misuse any property; and/or,
- 6.4.2 Construct unauthorized objects or buildings.

## 6.5 Animal Control

- 6.5.1 Customers and Patrons having the custody or control of an Animal, shall not allow an Animal to enter or remain in a Park unless it is secured and/or restrained.
- 6.5.2 Customers and Patrons having custody or control of an Animal shall not bring into or allow an Animal to enter or remain in any area in a Park that is:
  - 6.5.2.1 a public area; or
  - 6.5.2.2 a designated swimming area; or
  - 6.5.2.3 a beach area adjacent to a designated swimming area; or,
  - 6.5.2.4 a boat launch; or,
  - 6.5.2.5 an area where signs are posted prohibiting Animals
- 6.5.3 Customers and Patrons whose Animal defecates on Park property shall remove forthwith any defecated matter.
- 6.5.4 A Peace Officer or Park Officer may refuse to admit to a Park or require to be removed from a Park any Animal if, in their opinion, it is not under the control of a responsible Customer or Patron or may be a nuisance or damage to the life, safety, health, property or comfort of any person or Animal in the Park.
- 6.5.5 The owner or person having custody that claims a captured Animal from a Peace Officer, shall pay impoundment and subsistence fees charged for the impoundment of the Animal.

## 6.6 Open Flame Pits

- 6.6.1 Where Westlock County and its agents are of the opinion that a fire hazard exists in a Park, they or the Park Caretaker may, by erecting signs and notices for the purpose of prohibiting the setting, lighting or maintain of fires in the Park.
- 6.6.2 **Customers and Patrons shall not:**
  - 6.6.2.1 Leave a fire unattended;
  - 6.6.2.2 Deposit or dispose of hot coals, ashes, embers or any other burning or smoldering material in a place other than a stove, fire pit or other place provided for that purpose by Westlock County.
  - 6.6.2.3 set, light or maintain a fire in a Park or part of a Park, where signs or notices have been erected prohibiting such acts except in a fireplace, pit or other facilities designed for that purpose; and/or,
  - 6.6.2.4 allow a fire to spread.

## 6.7 Gaming and Liquor

- 6.7.1 The consumption of Liquor and Cannabis is permitted only at Campsites.
- 6.7.2 Customers and Patrons shall not contravene the provisions of the Alberta Gaming, Liquor and Cannabis Act, or any other federal or provincial regulation pertaining to alcohol and/or cannabis use.
- 6.7.3 **Customers and Patrons Shall not:**  
In an effort to protect children and limit second-hand exposure, public smoking or vaping of cannabis will be prohibited from any place where tobacco is restricted, and in the following places;

- 6.7.3.1.1 Public buildings/enclosed areas,
- 6.7.3.1.2 Building common areas,
- 6.7.3.1.3 Motor vehicles,
- 6.7.3.1.4 Playgrounds, beaches, docks, boat launch and park areas,
- 6.7.3.1.5 Walking, dog, skateboard or bicycle paths,
- 6.7.3.1.6 Roadways,
- 6.7.3.1.7 Sports or playing fields.

**6.8 Projectile Weapons/Fireworks**

- 6.8.1 Customers and Patrons shall not discharge a Projectile Weapon in a Park.
- 6.8.2 Customers and Patrons who are in possession of a Projectile Weapon in a Park shall ensure the Projectile Weapon is unloaded and, either disassembled or cased, and stored in compliance with the provisions of the Criminal Code of Canada and the Firearms Act.
- 6.8.3 Customers and Patrons, unless authorized in writing by Westlock County, shall not set off fireworks in any part of a Park.

**6.9 Non-Profit/Profit Business Operations**

No Customers, Patrons or enterprises shall operate a business in a Park unless they have received written permission from Westlock County for that purpose.

**6.10 Day Use Areas**

The operational hours of a Day Use Area are from 7:00 a.m. until 11:00 p.m., or as otherwise posted.

**6.11 Camping**

- 6.11.1 **Customers and Patrons shall not remain overnight in a Park except**
  - 6.11.1.1 in an area designated for overnight use, unless they are authorized by the Park Caretaker or have a valid Permit under this Bylaw to do so; or,
  - 6.11.1.2 where a Campground is developed with individual Campsites, the maximum allowable combination of Motor Vehicles, Camping Accommodation Units and pieces of towed equipment Permitted on an individual Campsite is 3 and of the 3, no more than 1 may be Camping Accommodation Units, unless the site is designated for more or a Park Caretaker gives permission and issues a Permit.
- 6.11.2 The Permit holder must be 18 years or older to hold a valid Permit.
- 6.11.3 Customers and Patrons visiting Customers and Patrons camped in an individual Campsite shall park their Motor Vehicle in a designated area and shall not obstruct the free flow of traffic.
- 6.11.4 Not more than 6 people may occupy overnight an individual Campsite unless; they are all members of a single-family unit, unless the site is designated for more units.

- 6.11.5 No person shall Camp more than 14 consecutive days in the Park and must vacate the park for no less than 14 consecutive days before entering the park again.

**6.12 Group Campsite**

- 6.12.1 The Permit holder must be 18 years or older to hold a valid Permit.
- 6.12.2 Group Campsite area may hold up to (14) units. The Permit holder is responsible to arrive first and is responsible all campers within the group. All members of the group entering the Campground must register with the Park Caretakers under the Permit holder's name.
- 6.12.3 If the Group Campsite area is not booked within 72 hours of the weekend, the site becomes open to the public as an overflow area and Permitted as a campsite Permit for each unit as a first come first in basis.

**7. LEGISLATION**

**7.1 Abandonment and Seizures**

- 7.1.1 If a Motor Vehicle, Off Highway Vehicle, Camping Accommodation Unit, item or Animal is parked, Abandoned or being used in contravention of the provisions of this Bylaw, a Peace Officer shall have the item removed to a secure location and the owner shall be liable for the associated costs.
- 7.1.2 Where a Peace Officer causes the removal or storage of a Motor Vehicle, Off Highway Vehicle, Camping Accommodation Unit or item, the cost of doing so:
  - 7.1.2.1 is the responsibility of the (registered) owner of the item;
  - 7.1.2.2 constitutes a lien on the item;
  - 7.1.2.3 may be recovered from the owner in an action for debt; and,
  - 7.1.2.4 must be paid before the item is released to the owner.
- 7.1.3 Any item that is stored and not retrieved by the owner within 30 days of its removal from a Park, the item and its contents shall be disposed of in accordance with the provisions of the Municipal Government Act regarding disposal of lost or unclaimed property.

**8. AUTHORITY & ENFORCEMENT**

**8.1 Park Patrons and Customers**

- 8.1.1 **Customers and Patrons shall not:**
  - 8.1.1.1 Fail to comply with a lawful order or request of a Peace Officer or Park Officer, and/or,
  - 8.1.1.2 Obstruct a Peace Officer in the execution of their duties.
- 8.1.2 A Peace Officer may remove any Customer, Patron or associated company who are in contravention of this bylaw, the County Campgrounds Policy or any other legislation.
- 8.1.3 Westlock County at its discretion, may suspend offending customers and Patrons from Parks for periods ranging from 72 hours to the lifetime of the offender.
- 8.1.4 Customers and Patrons who have been:



- 8.1.4.1 Ordered removed from a Park, pursuant to this Bylaw, shall vacate the Park within 1 hour of notification and be suspended from all Parks for a 72 hours period; and/or,
- 8.1.4.2 Suspended from a Park, pursuant to this Bylaw, may at the discretion of a Peace Officer, only enter that Park with their accompaniment.
- 8.1.5 Customers and Patrons shall not enter or remain in a Park where travel or access restrictions have been imposed under any legislation.

## **8.2 Vehicles**

### **8.2.1 Customers and Patrons shall not:**

- 8.2.1.1 contravene the provisions of the Traffic Safety Act;
- 8.2.1.2 operate a Motor Vehicle within a Park, except on a Highway unless they have written authorization from a Peace Officer or Officer; and/or,
- 8.2.1.3 operate an Off-Highway Vehicle within the park or any other such specialized means of conveyance, whether driven or propelled by human power.

## **8.3 Peace Officers**

For administrating the Bylaw, a Peace Officer may:

- 8.3.1 Refuse the entry of any person to a Park;
- 8.3.2 Refuse the entry of a prohibited person to a Park;
- 8.3.3 Enter on and inspect any land, road, structure in a Park;
- 8.3.4 Order the removal of any unauthorized structure in a Park;
- 8.3.5 Order any person in a Park to cease or refrain from any action, omission or conduct that in the opinion of a Peace Officer is an offence, dangerous to life or property or detrimental to the use and enjoyment of the Park by other persons;
- 8.3.6 Require any person to inform them of their intended use of the Park; and,
- 8.3.7 Remove any person making an unauthorized use of the Park.

## **8.4 Park Caretaker**

A Park Caretaker, in the exercise and discharge of their powers and duties may:

- 8.4.1 Refuse the entry of a prohibited person;
- 8.4.2 Prohibit the entry of a Customer into the Park for non-payment of fees;
- 8.4.3 Enter on and inspect any land, road, or structure in a Park;
- 8.4.4 Request customers and Patrons to cease from any action or conduct that may be dangerous to life or property or detrimental to the use and enjoyment of the Park by other person;
- 8.4.5 Issue an order to vacate a Campsite, Day Use Area, Group Area or Park and;
- 8.4.6 Issue a Violation Tag to a Customer, Patron or other person that is in contravene to any regulations or legislations under the role as Park Officer.

## **8.5 Penalties**

- 8.5.1 Customers and Patrons who contravene any provision of this Bylaw are guilty of an offence and are liable on summary conviction to a fine of not more than

\$10,000.00 per offence or imprisonment for not more than 1 year, or both, as specifically detailed in the MGA or the Specified Penalties Appendix A of this Bylaw.

- 8.5.2 Where a Peace Officer believes Customers and Patrons have contravened any provision of this Bylaw:
  - 8.5.2.1 may serve upon such person a Violation Ticket in accordance with Part 3 of the Provincial Procedures Act;
  - 8.5.2.2 the specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the appendix of this Bylaw in respect to that provision;
  - 8.5.2.3 where any person contravenes the same section of this Bylaw twice or more within a 12-month period, the specified penalty payable in respect of the second contravention shall be double the amount set out in the appendix; and,
  - 8.5.2.4 if a Motor Vehicle, Off Highway Vehicle, aircraft, boat, trailer or Camping Accommodation Unit is involved in a contravention of this Bylaw, the registered owner of that property is guilty of an offence.

**ENACTMENT**

This bylaw shall come into force and have effect upon it being read a third time and passed. Bylaw No. 12-2018 is hereby repealed.

**READ A FIRST TIME THIS   11th   DAY OF   February  , 2019.**

**Original signed and on file**

Reeve

**Original signed and on file**

Chief Administrative Officer

**READ A SECOND TIME THIS   11th   DAY OF   February  , 2019.**

**Original signed and on file**

Reeve

**Original signed and on file**

Chief Administrative Officer

RECEIVED UNANIMOUS CONSENT FOR CONSIDERATION OF THREE READINGS IN ONE MEETING VIA COUNCIL RESOLUTION #51-2019, THIS 11<sup>th</sup> DAY OF February, 2019.

READ A THIRD TIME AND PASSED THIS 11<sup>th</sup> DAY OF February, 2019.

*Original signed and on file*

Reeve

*Original signed and on file*

Chief Administrative Officer

<b>SECTION 5-6</b>	<b>OFFENSE:</b>	<b>Penalty</b>
5.1	Utilize an area in a Park without a valid Permit.	\$150 .00
5.31.	Alter a Permit issued by the municipality.	\$150.00
5.3.2.	Transfer Permit to another person.	\$150.00
5.3.3.	Fail to have Permit available for inspection.	\$50 .00
5.3.6.	Fail to remove property.	\$50.00
6.1.1.	Entering a Park without payment	\$50.00
6.1.2.	Fail to obey instruction, prohibitions or direction by sign, notice or Park Attendant.	\$100.00
6.1.2.	Customers or Patrons failure to Park in designated location.	\$150.00
6.2.1.	Interfere with rights of others to quiet and peaceful enjoyment.	\$250.00
6.2.2.	Allow generator to be operated during restricted hours.	\$250.00
6.2.3	Allow a dog to bark or howl excessively.	\$250.00
6.3.1	Fail to maintain land and improvements in a neat and tidy condition.	\$100.00
6.3.2.	Fail to restore land and improvements to a neat and tidy condition.	\$100.00
6.3.5.	Display unauthorized sign within a Park.	\$100.00
6.3.6.	Fail to use proper waste facility for solid or liquid waste.	\$250.00
6.3.7.	Disposal of commercial or residential waste in a Park.	\$250.00
6.3.8.	Failure to remove waste (litter).	\$250.00
6.3.9.	Bath, wash clothes, clean fish or utensils etc. at Water Body	\$150.00
6.3.10.	Unauthorized water removal from Park	\$100.00
6.4.1.	Remove, destroy, mutilate, deface, or misuse any property.	\$500.00
6.4.2.	Construct unauthorized object or building s.	\$500 .00
6.5.1.	Fail to keep Animal properly secured or restrained.	\$100.00
6.5.2.	Have Animal in a prohibited area.	\$150 .00
6.5.3.	Fail to remove Animal defecation.	\$150 .00
6.5.4.	Failure to control Animal.	\$150.00
6.6.1.	Light fire during Fire Ban.	\$500.00
6.6.2.1.	Leave fire unattended.	\$500 .00
6.6.2.2.	Improperly dispose of hot coals, ashes in none approved appliance.	\$500.00
6.6.2.3.	Light fire in other than approved receptacle or location.	\$500 .00
6.6.2.4.	Allow a fire to spread beyond an approved receptacle or location.	\$250.00
6.7.1.	Possess open Liquor when not in an approved area.	\$150 .00
6.7.2.	Contravene the Gaming and Liquor Act.	\$150.00
6.8.1.	Discharge Projectile Weapon with in a Park.	\$500.00
6.8.2.	Improperly decommission of a Projectile Weapon within a Park.	\$500.00
6.8.3.	Unauthorized discharge of fireworks within a Par k.	\$500.00
6.9.	Carry out an unauthorized operation or business within a Park.	\$250 .00
6.10	Customer or Patron remains in Day Use after authorized hours of operation.	\$150.00
6.11.1.1	Camping in unauthorized area.	\$150 .00

6.11.1.2	Excessive number of Camping Accommodation Units in a Campsite	\$150.00
6.11.3.	Unauthorized parking or obstruction of traffic.	\$150.00
6.11.4.	Excessive number of people in Campsite.	\$150.00
6.11.5.	Remain longer than 14 days in Campsite.	\$150.00
6.12.3	Failure of Permit holder to properly allocate responsibility for Campsite.	\$100.00

<b>SECTION 8</b>	<b>OFFENSE:</b>	<b>Penalty</b>
8.1.1.1.	Fail to comply with order issued by Peace Officer.	\$500.00
8.1.1.2.	Obstruct a Peace Officer.	\$500.00
8.1.4.1.	Failure to remain out of Parks for suspension period.	\$250.00
8.1.4.2.	Unauthorized re-entry following suspension.	\$250.00
8.1.5.	Occupying an unauthorized area.	\$250.00
8.2.1.2.	Operate a vehicle in an unauthorized area of a Par k.	\$250.00
8.2.1.3.	Operate prohibited means of conveyance in a Park.	\$250 .00