

BYLAW NO. 3255/2000

Being a bylaw of The City of Red Deer, Alberta to provide for the control and management of parks and public facilities.

Section 7 of the *Municipal Government Act* authorizes a council to pass bylaws respecting people and the protection of people and property, activities and things in, on, or near a public place.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

Short Title

- 1 This bylaw may be called the *Parks and Public Facilities Bylaw*.

Definitions

- 2 In this bylaw:

“Board” means the board responsible for the management of the park or public facility in question;

“Campground” means that portion of a park, which is designated as a site on which camping is permitted;

“Camping” includes staying overnight in a vehicle, tent trailer, or any other temporary or portable shelter, or under the open sky;

“Facility Manager” means:

- (a) in the case of public facilities operated by the River Bend Golf Course and Recreation Society, the River Bend Manager; and
- (b) in the case of public facilities operated by the Normandeau Cultural and Natural History Society, the Executive Director of that society.

“Park or Parkland” includes all lands used for picnic grounds, campgrounds, playgrounds, playing fields, or any other public open space, including all bicycle and hiking trails, beaches, swimming pools, wading pools, and all lakes, rivers and other water bodies within the control and jurisdiction of The City, whether located within the boundaries of the City of Red Deer or not, and whether or not the custody, care, management or control of such areas or facilities has been delegated to another body or agency, and regardless of whether all members of the public have the right of access thereto;

“Park Control Officer” means:

- (a) a Peace Officer;
- (b) a Bylaw Enforcement Officer;
- (c) Red Deer County Patrol Officer for the following park areas only:
 - (i) River Bend Golf and Recreation Area;
 - (ii) Heritage Ranch;
 - (iii) Fort Normandeau.
- (d) any other person designated by the City Manager as a Park Control Officer.

“Public Facility” means:

- (a) every athletic, recreational or cultural facility located in the City and, without limiting the generality of the foregoing, includes tennis courts, community centers, swimming pools, coliseums, arenas, athletic playing fields, golf courses and community shelters, and the property, grounds and parking areas ancillary thereto;
- (b) community schools, but only insofar as they have recreational or athletic programs under the jurisdiction of a Board;
- (c) Heritage Ranch, Fort Normandeau, and River Bend Golf and Recreation Area.

“Public Gathering” means any group of five or more people;

“Regulations” means regulations governing the use of the parks and public facilities and the posting of signs as approved from time to time by The City;

“Special Event” means a promotion, parade, procession, or race, which requires exclusive use of part of a park and for that purpose:

- (a) “promotion” means one or more persons gathered for the purpose of soliciting, protesting, rallying, entertaining, evangelizing or selling goods or services;
- (b) “parade”, “procession” or “race” means any group of people, other than a funeral procession, marching, walking, running or riding in the street, on the sidewalk, on parkland, or on the trail system, whether by foot, bicycle or motor vehicle;

“Tree” includes plants, shrubs, vines and ground cover.

Jurisdiction

- 3 This bylaw applies to all parks and public facilities owned or operated by The City of Red Deer.

Offences

- 4 No person shall attach to any tree on any City lands or to the guard or stake intended for the protection of such trees any ropes, wires, chains, or other device whatsoever, except as the same may be attached to any tree as support or protection thereof.
- 5 No person shall:
- (a) injure, damage or destroy any tree, turf or sod on any City lands;
 - (b) camp on any City lands other than a campground;
 - (c) act in a manner which is dangerous to life or property, or which is detrimental to the use and enjoyment of a park by others;
 - (d) contravene any posted or printed regulation governing the use of a park;
 - (e) operate a motor vehicle in a park except on a road, or in the case of off-highway vehicles, except on trails or in areas designated for use by such vehicles;
 - (f) operate an off-highway vehicle anywhere in the City, except at such access points to the Red Deer River as are designated by signs posted

under the direction of the City Manager or except when operated in a parade or procession for which a Special Event Permit has been granted under the Traffic Bylaw by the City Manager;

- (g) deposit any waste or offensive matter of any kind on any City lands, except in areas intended for such purpose;
- (h) use any City lands for the purpose of storage, for gardening or for other similar private uses unless specifically allowed to do so by agreement with The City;
- (i) make a fire on any City lands except in areas designated for that purpose unless otherwise authorized by the City Manager;
- (j) remove firewood from any City lands;
- (k) injure, tease, molest or disturb any bird or animal, or take or destroy or disturb the eggs, nest or young of a bird or animal in any park;
- (l) pick, collect, dig up, cut, or harm flowering plants within a park;
- (m) foul, pollute or deposit any foreign matter or thing in or on any fountain, reservoir, river, stream, lake, pond, pool, or water in a park;
- (n) sell or expose for sale any refreshment, goods, article or thing or offer any service for a fee in any park, except when authorized by an agreement with The City or with the written permission of the City Manager;
- (o) post, paint or affix any advertisement, bill, poster, picture, matter or thing in any park or on a tree, structure or thing in a park;

- (p) damage, deface, destroy or remove a structure, fixture, improvement, sign, or any part thereof, or any other property or thing located in a park;
- (q) allow horses, dogs or other domesticated animals to run freely in any park, except in areas designated for such purposes

6 No person shall kill any animal in a park.

Park Hours, Public Gatherings and Special Events

- 7
- (1) All parks within the City shall be closed to public gatherings from 11:00 p.m. to 7:00 a.m., unless otherwise authorized in writing by the City Manager.
 - (2) No person shall participate in a public gathering in a park between the hours of 11: 00 p.m. and 7:00 a.m.
 - (3) Sections 7(1) and 7(2) shall not apply to the New Year's Eve, Canada Day and Heritage Day celebrations authorized by The City nor to any public gathering authorized in writing by the City Manager.
 - (4) Any person desiring to hold a special event in a City park may, not less than four weeks prior to the proposed date of the event, make application to the City Manager in writing for a Special Event Permit. Such application shall bear the signature, name, address, and telephone number of the applicant person or organization who will be in control of the event and who undertakes to be responsible for the good order and conduct thereof, and shall also contain information with respect to the following:
 - (a) the nature and object of the event;

- (b) the date and time during which the event is proposed to be held;
 - (c) the intended route or area proposed to be covered by the event;
 - (d) any other information required by the City Manager;
- (5) A Special Event Permit entitles the applicant the right to use the park area specified on the permit to the exclusion of any other person at the same site.
- (6) A special event may be held without a Special Event Permit but, in such case, the persons participating in that special event will not have the exclusive right to use any specific portion of the park.
- (7) Notwithstanding the foregoing, no person shall conduct or participate in a special event in a park using amplified speaker systems, stages, platforms, or other structures without a Special Event Permit.
- (8) No person shall conduct or participate in a special event or public gathering in a park, which interferes with the continued peaceful enjoyment of the park by others.
- (9) Any person who continues to participate in a special event or public gathering after being requested by a Park Control Officer to leave the area shall be guilty of an offence.

Park Control Officer

- 8 Park Control Officers shall have the authority to:
- (a) enter on and inspect any land, road, structure or work in the park;
 - (b) order any person in a park to cease or refrain from any act or conduct which constitutes a breach of this bylaw, is dangerous to life or property, or detrimental to the use and enjoyment of the park by others;
 - (c) order persons participating in a special event or public gathering to disperse and leave the park;
 - (d) remove from the park:
 - (i) any person making an unauthorized use of the park;
 - (ii) any person creating a nuisance or disturbance;
 - (iii) any person who breaches any provision of this bylaw;
 - (iv) any person failing to comply with any posted or printed regulations guiding the use of the park.
- 9 The City Manager may make reasonable regulations governing the use of the park in order to protect the park, trees, wildlife, users of the park, and park facilities, provided those regulations are consistent with the provisions of this bylaw. The City Manager may authorize the posting of signs in this regard.

10 Persons using the park or public facility must obey all posted regulations.

11 No person shall enter upon any area of a public facility to which access by that person is prohibited, whether such prohibition be by posted regulation, sign, or custom and practice and, without limiting the generality of the foregoing and except in the case of young children, no male person shall enter an area designated for use by female persons only and no female person shall enter an area designated for use by male persons only.

12 (1) A supervisor or facility caretaker on duty in a public facility may require any person using public facilities to obey the provisions of this bylaw and regulations posted hereunder, and require persons in breach of the same to vacate the public facility.

(2) The owner of a vehicle parked in a campground shall be guilty of an offence where:

(a) the vehicle is parked without the necessary fee for use of the campground first having been paid;

(b) the vehicle remains in the campground beyond the maximum permitted stay;

(c) the vehicle remains in the campground beyond the period of time for which a fee has been paid; or

(d) the owner of the vehicle, being in breach of this bylaw or regulation of the campground made under this bylaw and having been directed to remove his vehicle, refuses to do so.

- (3) A Park Control Officer may, with the prior approval of the City Manager, authorize the impounding and removal of any vehicle parked contrary to the provisions of Section 12(2).
 - (4) Any vehicle removed under this bylaw may be removed to a place designated by the City Manager where it will remain until claimed by the owner or his agent.
 - (5) No impounded vehicle shall be released to its owner or agent of the owner until the impounding charge and towing charge have been paid in full, which charges shall be in addition to any fine or penalty imposed in respect of any violation or to any payment made in lieu of prosecution as hereinafter provided.
- 13 No person shall cause, permit, or allow any other person under his control to breach any regulation contained in this bylaw.
- 14 The City Manager, or a Facility Manager in the case of facilities described in Section 2, may make such inquiries as he deems appropriate and may suspend an individual from entering or using the public facility under his jurisdiction permanently, or for such period of time as he deems appropriate.
- 15 Suspended persons shall be notified of their suspension in writing by registered mail. Suspended persons may appeal their suspension to the Board by giving written notice of their appeal to the Facility Manager or to the City Manager, as the case may be, within seven days of receipt of the notice of suspension and the Facility Manager or City Manager shall arrange a meeting of the Board to hear such appeal, which must be heard at the next regularly scheduled meeting of the Board.

16

A Peace Officer shall remove from a park or public facility:

- (a) any person who is causing a risk to public safety in the park or public facility;
- (b) any person who is causing damage to a park or public facility or any part thereof;
- (c) any person whose safety is at risk as a result of the unsafe or dangerous condition of a park or public facility or any part thereof and who refuses to leave when requested to do so;
- (d) any person who is causing a disturbance, who interferes with any group conducting a special event, who breaches any posted sign or regulation or who fails to obey a lawful instruction of a person in charge of a park or public facility;
- (e) any person who has apparently breached any provision of this bylaw where, in the opinion of the Peace Officer, it is necessary to do so in order to prevent the recurrence of further breaches of this bylaw; and
- (f) any person who breaches the terms of a permit to use a park or public facility or part thereof.

17

Subject to the provisions of this bylaw, a Board has the authority to make regulations in respect of the use of its public facility and may cause such regulations to be posted or otherwise made known to persons using that public facility.

Penalties

- 18 (1) Any person who contravenes any of the provisions of this bylaw is guilty of an offence and is liable for and subject to the penalties herein provided.
- (2) In the case of those bylaw sections listed in the Schedules to this bylaw, the penalty shall be as set forth in the applicable Schedule. For greater certainty, the wording in the Schedules shall be deemed to include all elements of the offence as set forth in the bylaw section creating the offence.
- 19 Where a Park Control Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw or in the Schedules annexed hereto, he may serve upon such person an offence ticket allowing payment of the specified penalty to The City, which shall be accepted by The City in lieu of prosecution for the offence.
- 20 The penalty for a breach of Section 8 shall be a fine of not less than \$100.00 and not more than \$2,500.00.
- 21 In addition to the foregoing penalties, any person who breaches the provisions of this bylaw or who breaches a law of Canada or the Province of Alberta in or about a public facility, is also subject to any or all of the following sanctions:
- (a) eviction from the public facility in which the breach occurred;
 - (b) suspension from entering or using the facilities of the public facility in which the breach occurred;
 - (c) suspension from entering or using any other public facility.

Exceptions

22 The provisions of this bylaw shall not apply to employees, agents, or servants of The City or to Park Control Officers when they are acting in the performance of their authorized duties.

Consequential

23 Bylaw No. 2841/84 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 10 day of April A.D. 2000.

READ A SECOND TIME IN OPEN COUNCIL this 10 day of April A.D. 2000.

READ A THIRD TIME IN OPEN COUNCIL this 10 day of April A.D. 2000.

AND SIGNED BY THE MAYOR AND CITY CLERK this 10 day of April A.D. 2000.

“G. D. Surkan”

“Kelly Kloss”

MAYOR

CITY CLERK

SCHEDULE "A"

The penalty for a breach of any of the following sections shall be a fine of \$50.00:

Section Offence

- 4 Attaching ropes, etc. to trees
- 5(b) Camping in non-designated areas
- 5(d) Contravening any posted or printed regulation
- 5(g) Depositing waste or offensive matter
- 5(o) Posting bills or advertisements
- 12(2) Parking in a campground in contravention of (a), (b), (c), or (d)

SCHEDULE "B"

1. The penalty for a breach of any of the following sections shall be a fine of \$100.00, plus the cost to repair or restore:

Section	Offence
5(a)	Injure, damage, destroy or remove trees or shrubs
5(c)	Conduct detrimental to use and enjoyment of parks by others
5(h)	Using a park for purpose of storage
5(i)	Making a fire in a park in an undesignated site
5(k)	Disturbing wildlife in a park
5(l)	Collecting/harming flowers
5(q)	Allowing animal to run free
7(2)	Participating in public gatherings between 11:00 p.m. and 7:00 a.m.
7(7)	Using amplified speakers, stages, structures, without a permit
7(8)	interfere with peaceful enjoyment by others

SCHEDULE "B"

Section Offence

11 Entering an area designated for use by members of the opposite sex

13 Allowing another to breach the bylaw

2. The penalty for a breach of sections 7(2), 7(7), and 7(8) a second time shall be \$150.00.

3. The penalty for a breach of sections 7(2), 7(7), and 7(8) a third time shall be \$200.00.

SCHEDULE "C"¹

The penalty for a breach of any of the following sections shall be a fine of \$150.00, plus the cost of necessary repair or replacement of the park facility (except 5(m), the penalty for which will be in accordance with the *Environmental Protection and Enhancement Act*, minimum \$250.00 for an individual, \$1,000.00 for a corporation:

Section Offence

5(e)	Driving a vehicle in a park
5(f)	Driving an off-highway vehicle in the City
5(j)	Removing firewood from any City lands
5(m)	Pollution
5(n)	Selling without a license
5(p)	Vandalism
7(9)	Failure to leave after request by a Parks Control Officer

¹ 3255/A-2007