

**TOWN OF MORINVILLE  
PROVINCE OF ALBERTA**

**BYLAW 17/2010**

**PARKLAND BYLAW**

A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA,  
TO REGULATE THE USE OF PARKS.

**WHEREAS**, the Municipal Government Act gives the Municipalities the power to enact bylaws and impose fines and penalties for infractions of their bylaws;

**NOW THEREFORE**, the Municipal Council of the Town of Morinville, Alberta, duly assembled, hereby enacts as follows.

**1.0** This bylaw may be cited as the Parkland Bylaw.

**2.0 Definitions**

- 2.1 **"ANIMAL"** Includes domestic animals and wild life shall have the same meaning as in the Animal Control Bylaw 11/2008 as amended or repealed and replaced from time to time.
- 2.2 **"CAO"** means the Chief Administrative Officer of Morinville, Alberta, appointed by Council, or the Director(s) or Department(s) designated by the Chief Administrative Officer.
- 2.3 **"COUNCIL"** means the municipal Council of Morinville, Alberta.
- 2.4 **"CAMPGROUND"** means a park or a portion of a park that has been designated by Morinville where overnight camping is permitted.
- 2.5 **"HIGHWAY"** has the same meaning as in the Traffic Safety Act, R.S.A. 2000, C. T-6 as amended or repealed and replaced from time to time including roadways and sidewalks.
- 2.6 **"MORINVILLE"** means the Town of Morinville, Alberta.
- 2.7 **"PARKLAND"** means any development specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, buildings, playing fields, and other structures consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other entities pursuant to arrangements with the public authority owning the park;
- any land acquired by Morinville as a municipal reserve, school reserve, public utility lots, or environmental reserve as defined under Division 8 of the MGA Revised Statutes Alberta 2000 Chapter M-26, current as of January 01, 2010.
  - any land designated by Council as a park or recreational area for the purposes of this bylaw;
  - any land developed or designated by Morinville as a trail system, including pathways other than sidewalks.

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- 2.8 **"PERMIT"** means a written permission in a form approved by the CAO or their department designate to undertake an activity on parkland that is otherwise regulated, restricted or prohibited by this bylaw.
- 2.9 **"PEACE OFFICER"** means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer of Morinville Enforcement Services, or a Sheriff pursuant to the Public Security Peace Officer Program and the Peace Officer Act of Alberta.
- 2.10 **"PORTABLE APPLIANCE"** means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- 2.11 **"REFUSE"** means articles including, but not limited to, the following: solid wastes, loose litter, household waste, waste paper, cardboard, food containers, grass cuttings, shrubbery and tree prunings, weeds and garden waste, abandoned vehicles, tires, residential furnishings, household appliances, construction materials, animal feces, or garbage bags.
- 2.12 **"STORM WATER LAKE"** means an area designated to temporarily store excess flow in a drainage system.
- 2.13 **"VEGETATION"** includes all trees, shrubs, plants, flowers, grass and ground cover, whether it is in its wild or natural state, or has been planted.
- 2.14 **"VIOLATION TICKET"** means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA, 2000 c. P-34.
- 2.15 **"VEHICLE"** means a device in, upon, or by which a person or thing may be transported or drawn upon a highway.

**3.0 Provisions and Infractions**

**3.1 Permission**

- 3.1.1 Notwithstanding any other provision of this bylaw, a Person may carry out any activity on parkland otherwise regulated, restricted or prohibited by this bylaw if:
- (a) a permit has been issued by Morinville allowing such activity;
  - (b) the activity takes place in an area designated by Morinville for such activity;
  - (c) the activity is permitted by signage;
  - (d) another bylaw of Morinville specifically permits the activity on parkland or an area of parkland; or

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(e) the person is an employee or authorized agent of Morinville or a School Board acting within the scope of their functions, duties or powers.

3.1.2 No person shall contravene any term of condition of a permit issued pursuant to this bylaw.

3.1.3 No person shall interfere with the use and enjoyment of persons holding a valid and subsisting permit during the times and in the areas for which the permit is granted.

3.1.4 Any person who relies on a permit as permitting an activity otherwise regulated, restricted or prohibited by this bylaw has the onus of proving that they were the holder of a valid and subsisting permit.

**3.2 Parkland Access**

3.2.1 No person shall enter or be on parkland between the hours of 11:00 p.m. and 5 a.m.; or at any time when an area of parkland is closed.

3.2.2 The CAO may temporarily close an area of parkland to public use and where so ordered, a sign shall be posted to that effect.

3.2.3 No person shall be in violation of this section if he or she is:

- (a) attending a function or event approved by the CAO;  
or
- (b) using a highway, roadway, sidewalk or pathway as a thoroughfare to access a location outside of parkland, but not otherwise;
- (c) in addition to any other penalty that may be imposed, any person contravening this section may be directed by a Peace Officer to leave the parkland and any person so directed shall:
  - do so forthwith; and
  - not return to the parkland before it opens for public use.

**3.3 Loitering**

3.3.1 No person shall unnecessarily loiter in a park so as to disturb the comfort, repose, and enjoyment of other persons using the park.

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**3.4 Waste**

3.4.1 No person shall deposit or place in a park any refuse of any kind, unless such refuse is placed in a receptacle provided for the purpose of collecting such refuse.

3.4.2 No person shall:

- (a) urinate or defecate except in a facility provided for that purpose; or
- (b) deposit grass clippings, dirt, rubble, chemicals or pesticides.

**3.5 Dangerous Activities**

3.5.1 No person, while in a park, shall:

- (a) discharge, ignite, or fire any fireworks or explosives of any type;
- (b) cast, throw, or otherwise launch any stones, darts, missiles, rockets, or other dangerous objects;
- (c) propel a golf ball in any manner;
  - operate any radio or remote controlled device, including but not limited to boats, planes, helicopters or cars; or
  - tether, land, launch or operate a hot air balloon, hang-glider, ultralight or other similar air craft.

except in an area designated for that purpose.

**3.6 Alcohol**

3.6.1 No person shall consume alcoholic beverages in a park.

**3.7 Camping**

3.7.1 No person shall set up a tent, take temporary abode, or otherwise camp in a park, except in a designated campground.

**3.8 Business Operations**

3.8.1 No person shall offer for sale or sell any good or service in a park.

**3.9 Swimming**

3.9.1 No person shall wade or swim upon any storm water lake.

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**3.10 Boating**

3.10.1 No person shall operate a boat powered by a motor upon any body of water in a park.

**3.11 Signs**

3.11.1 No person shall disobey a Morinville sign that is erected for the purpose of governing the use of the park.

**3.12 Structures**

3.12.1 No person shall:

- (a) erect or build a structure of any kind, whether temporary or permanent; or
- (b) mark, deface, remove, destroy, climb or otherwise interfere with any sign, fence, building, wall, bench, exhibit or any other property that Morinville has erected or caused to be erected.

**3.13 Damage to Parks**

3.13.1 No person shall damage, deface, destroy, mark, burn, move, remove, or otherwise interfere with the following in a park: A structure, fence, building, wall, bench, exhibit, fixture, improvement, sign, vegetation, sand, soil, gravel, wood or any other property located in a park. Any person in contravention to this section is subject to the provisions and penalties outlined in the Morinville Vandalism Bylaw.

**3.14 General Conduct**

3.14.1 No person shall in any way obstruct the reasonable enjoyment and use of a park by any other person.

**3.15 Vehicles**

3.15.1 No person shall operate or park a vehicle in a park except on a highway allowed for such use, or in an area of a park designated for that purpose;

3.15.2 operate an off highway vehicle; or

3.15.3 leave a motor vehicle on parkland between 11 p.m. and 6 a.m. the next morning;

**3.16 Vegetation**

3.16.1 While on parkland, no person shall:

- (a) destroy, remove, otherwise interfere with, or use for a purpose not intended, any vegetation;

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- (b) plant any vegetation;
- (c) walk, cross, ride or otherwise traverse upon any vegetation where such conduct is prohibited by posted signs; or
  
- (d) dig, disturb or remove any soil, sand, rock or gravel

**3.17 Animals**

3.17.1 No person shall tease, molest, trap, injure, kill, alarm, or harass any mammal, bird, amphibian, or reptile in the Morinville. Persons are also subject to the provisions and penalties contained in the Morinville Animal Control Bylaw.

**3.18 Fire**

3.18.1 No person shall start or permit to be started any fire in a park unless it is confined to a fireplace or appliance provided in a park for that purpose and only at such locations within a park as designated by the CAO. Portable appliances are only permitted using fuel of seasoned wood, charcoal, or propane for personal use with respect to cooking food. Any such fires must not be left unattended and cannot be used in the manner in which a fireplace would be approved.

**4.0 Exemptions**

**4.1 Permissions Granted by the CAO**

4.1.1 No person shall be in contravention of a specific provision of this bylaw if permission has been granted for the contravention by the CAO.

**4.2 Employees, Servants, and Agents**

4.2.1 The employees, servants, and agents of Morinville, while acting in the course of their employment and duties, are exempt from the provisions of this bylaw.

**5.0 Powers of Peace Officers**

**5.1 Violation Ticket**

5.1.1 A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA, 2000, C. P-34 to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provisions of this bylaw.

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5.1.2 Any person who is issued a violation ticket for contravention of this bylaw shall immediately discontinue creating noise to avoid prosecution for a second offence.

5.2 Ticket Evidence of Service

5.2.1 A violation ticket shall be deemed to be sufficiently served if:

- (a) in compliance with the Provincial Offences Procedure Act 2000 Ch P-34 S32 (1) if an offence notice is served by the Peace Officer who issued it, the Peace Officer shall complete and sign a certificate of service on the violation ticket that the Peace Officer personally served the offence notice on the person charged and the Peace Officer shall indicate the date of service;
- (b) in compliance with the Provincial Offences Procedure Act 2000 Ch P-34 S 30(1-2) 31(1-6) and 32(1) a violation ticket under this part must include:
  - a certificate of offence; and
  - an offence notice;
- (c) a certificate of offence;
  - shall be completed and signed by a Peace Officer who believes on reasonable and probable grounds that an offence has been committed;
  - shall be filed with a clerk prior to the initial appearance date indicated on the violation ticket; and
  - does not need to be sworn.
- (d) an offence notice shall:
  - indicate the specified penalty for the offence;
  - indicate how and when the defendant may respond to the offence notice; and
  - that the defendant may be convicted in the defendant's absence without a hearing if the defendant fails to respond to the violation ticket by the initial appearance date indicated on the offence notice, or if the defendant pleads not guilty and fails to appear in court in person or by an agent on the defendant's trial date.

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- (e) An offence notice shall be served on a defendant:
- in the case of a defendant who is an individual, by delivering it personally to the defendant;
  - in the case of a defendant that is a municipality by delivering it personally to the chief elected official or CAO of the municipality;
  - in the case of a defendant that is a Metis settlement, by delivering it personally to the settlement chair or the settlement administrator,
  - in the case of a defendant that is a corporation other than a municipality or Metis settlement:
    - by sending it by single registered mail to the registered office of the corporation; or
    - by delivering it personally to the manager, secretary, or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address.
- (f) Where an offence notice is mailed to a defendant and the date of the mailing of the offence notice is set out in the related certificate of offence:
- That offence notice is in the absence of evidence to the contrary deemed to have been served on the defendant on the 7<sup>th</sup> day from the date of mailing as set out in the certificate of offence.
- (g) Evidence of Service
- If an offence notice is served by the Peace Officer who issued it, the Peace Officer shall complete and sign a certificate of service on the violation ticket that the Peace Officer personally served the offence notice on the person charged and the Peace Officer shall indicate the date of service;
  - a certificate of service does not need to be sworn; and
  - service is posted in a conspicuous place on the land referred to on the notice.

**5.3 Duty to Enforce**

- 5.3.1 Each Peace Officer is hereby charged with the duty of enforcing the provisions of this bylaw.

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**6.0 Penalty Provisions**

- 6.1 Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a fine of \$125 for a first offence, and \$250 for a second or subsequent offence in the same calendar year. In addition to any applicable fines, the person shall be responsible for additional damages, costs, and penalties as outlined and provided in the Morinville's Vandalism Bylaw.

**7.0 Severability**

- 7.1 If any section or parts of this bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such section or parts shall be deemed to be severable and all other section or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaws 21/84 and 18/08 are hereby rescinded when Bylaw 17/2010 receives third and final reading.

THIS bylaw shall take effect on the day of final passing thereof.

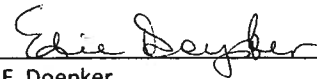
READ a first time the 13<sup>th</sup> day of July, 2010

READ a second time the 24<sup>th</sup> day of August, 2010

READ a third time and finally passed the 24<sup>th</sup> day of August, 2010



R. Lloyd Bertschi  
Mayor



E. Doepker  
CAO