

BYLAW NO. 02-2019

MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133 PROVINCE OF ALBERTA

NARDAM PARK BYLAW

WHEREAS Section 7(a) and 8(a) of the *Municipal Government Act*, being Chapter M-26, Revised Statutes of Alberta, 2000 and amendments thereto, authorizes the Council to pass bylaws respecting safety, health, welfare and the protection of people and property and further;

WHEREAS Section 7(b) and 8(a) of the *Municipal Government Act*, being Chapter M-26, Revised Statutes of Alberta, 2000 and amendments thereto, authorizes the Council to pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public and further;

WHEREAS Section 7(i) and 8(a) of the *Municipal Government Act*, being Chapter M-26, Revised Statutes of Alberta, 2000 and amendments thereto, authorizes the Council to pass bylaws respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactments including any or all of the matters listed therein;

WHEREAS within the corporate limits of the Municipal District of Spirit River No. 133 there are public places with facilities that are available to the general public; and

WHEREAS certain of those facilities and under the direct control of the Municipal District of Spirit River No. 133 for their operations; and

WHEREAS it is deemed desirable and expedient and in the public interest to provide for the control and protection of the facilities and of the public using the facilities;

NOW THEREFORE the Council of the Municipal District of Spirit River No. 133 duly assembled in open meeting enact as follows:

1. This Bylaw 02-2019 shall be cited as the "NARDAM Park" Bylaw.

2. INTERPRETATION

- a) "**Animal**" means a dog or domesticated or wild animal of any kind.
- b) "**Camping Unit(s)**" means a tent, tent trailer, truck camper, travel trailer, fifth wheel, park model trailer, motor home and any other conveyance designed to travel on a publicly maintained road, which is constructed and intended or equipped to be used as a temporary living or sleeping quarters.
- c) "**Campsite**" means a measure of land that one camping unit will occupy.
- d) "**Cannabis**" means any part of the cannabis plant used for medical or recreational purposes.
- e) "**Children**" has the same meaning as under the Age of Majority Act.
- f) "**Council**" means the Council of the Municipal District of Spirit River No. 133.

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- g) **“Electronic Smoking Device”** means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe;
- h) **“MD”** shall mean the Municipal District of Spirit River No. 133.
- i) **“NARDAM Park”** means an area maintained with intention to occupy for temporary accommodation of camping units.
- j) **“Off-Highway Vehicle”** has the same meaning as defined in the Off-Highway Vehicle Act.
- k) **“Peace Officer”** shall mean a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer appointed for the MD.
- l) **“Person”** includes any person, individual, owner, public body, body corporate, society, firm or partnership.
- m) **“Public Premises”** means all or a part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation.
- n) **“Public Works Superintendent”** means the Public Works Superintendent of the Municipal District of Spirit River No. 133.
- o) **“Roadway”** has the same meaning as defined in the Highway Traffic Act.
- p) **“Specified Penalty”** means the amount of which a person who receives a ticket for contravention of a provision of this bylaw may voluntarily pay to avoid prosecution.
- q) **“Temporary Residence” means:**
 - a) A place that is used by a traveler in respect of which the traveler pays a fee;
 - b) A tent that is set up in an area where overnight camping is legally permitted; and
 - c) A motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is legally permitted.
- r) **“Tobacco”** means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;
- s) **“Vape” or “Vaping”, means:**
 - a) Inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco or any other substance excluding cannabis, or
 - b) Holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco or any other substance excluding cannabis.
- t) **“Violation Ticket”** has the same meaning as the Provincial Offences Procedure Act, RSA 2000, and Chapter P-34, as amended or repealed and replaced from time to time.
- u) **“Vehicle”** has the same meaning as defined in the Highway Traffic Act.

3. HOURS

The MD Council may by resolution regulate NARDAM Park for such hours or periods of time as it may direct.

4. CAMPING FEES

The MD Council may by resolution regulate NARDAM Park for Fees that will be charged for use of campsite or parking of camping units.

5. FENCES

No person shall climb on or over fences located in or at the edges of NARDAM Park.

6. SIGNS

No person shall disobey a directive sign placed in NARDAM Park.

7. DAMAGES

a) No person shall damage, deface, destroy or remove:

- i) A structure, fixture, improvement, sign or other property;
- ii) Vegetation, soil, sand, gravel or wood or any other material located in NARDAM Park;
- iii) A tree, a shrub, bush or potted plant.

b) No person shall dispose of waste from outside the NARDAM Park in the Park.

8. PARK USE

i. No person shall engage in an activity in NARDAM Park which may:

- i) Injure anyone using NARDAM Park;
- ii) Damage NARDAM Park;
- iii) Be incompatible with other common users of NARDAM Park;

ii. No person in NARDAM Park shall engage in:

- i) Propelling a golf ball in any manner except for the express purpose of playing mini-golf;
- ii) Archery;
- iii) The use of a sling shot;
- iv) The shooting of a projectile of any nature other than horseshoes in the designated area;
- v) The discharge of any fireworks or fire crackers;

iii. The Public Works Supervisor may make regulations designating:

- i) NARDAM Park or a portion of NARDAM Park as an area which may be licensed to the exclusive use of a person or a group;
- ii) the conditions upon which exclusive use may be made of an area;

- iii) areas excluded from use by the public;
- iv. The Public Works Supervisor may grant to a person exclusive use of an area so designated.
- v. The Public Works Supervisor may make regulations for the orderly use of facilities.
- vi. The Public Works Supervisor may make regulations for the orderly use of NARDAM Park including the prohibition in NARDAM Park or a portion of NARDAM Park of activities not otherwise prohibited in this Bylaw.
- vii. No Person Shall:
 - i. Interfere with the use of an area by a person or group to which exclusive use has been granted;
 - ii. start a fire, except in fireplaces provided therein for such purpose and except in a barbecue or other portable fire appliance in an area of NARDAM Park specifically designed for such purpose;
 - iii. swear or use obscene, offensive or insulting language, fight, be drunk or conduct themselves in a disorderly manner and/or otherwise act in a manner that is noisy and disturbs or is likely to disturb, cause inconvenience, or embarrassment to other NARDAM Park users;
 - iv. smoke tobacco or cannabis or vape:
 - a) in a public premise, or workplace
 - b) in, or within 5 meters of a:
 - (i) Outdoor Skating Rink;
 - (ii) Playground / Playground Equipment;
 - (iii) Walking Trails
- viii. Where, in the opinion of the Public Works Supervisor and/or Peace Officer, any person who is acting in a manner consistent with any provision of subsection (g), the Public Works Supervisor and/or Peace Officer may enter and inspect the site and direct that person to cease that action and the person so directed shall forthwith comply with that directive.

9. WATER BODIES

- a) No person shall cause a negative affect to a body of water located in or flowing through NARDAM Park or venture onto the ice surface of any frozen body of water in NARDAM Park.
- b) The water body will be unsupervised.
- c) No motorized watercrafts.
- d) This section shall not apply to:
 - i) A person authorized by the Public Works Supervisor to enter a body of water onto the ice surface of any frozen body of water in NARDAM Park.
 - ii) A person authorized by the Public Works Supervisor to use a boat or craft of any nature or kind on the water as is deemed necessary for training purposes or maintenance purposes.

10. CAMPING

- a) No person shall camp or erect a tent in NARDAM Park, except in areas designated by the Public Works Supervisor.
- b) Public Works Supervisor may designate a maximum number of days in which a park user is allowed to camp in NARDAM Park.
- c) Upon arrival in NARDAM Park, all campers must register and all required information will be provided.
- d) Camper units not removed as requested could be subject to being commercially removed to an impound yard.

11. EVICTION

- a) Violation or non-compliance of a general Campground Regulation may result in eviction from NARDAM Park. Power to evict is granted to the Public Works Supervisor or a Peace Officer and the following process may be followed:
 - i) verbal warning of non-compliance which may include a reasonable time for remedy;
 - ii) written warning of non-compliance which may include written instruction along with specified timelines for remedial action;
 - iii) notwithstanding the foregoing, an eviction notice can be served forthwith without either verbal and written notices
- b) For the purposes of this Bylaw, an eviction notice can be served to any Campsite occupant who appears to be 18 years or older, to the Registered owner of the Campsite, or by prominently posting the eviction notice within the Campsite or on or near any entry door to a Camping Unit.

- c) Once served, an eviction notice is final and without appeal.
- d) Any person served with an eviction notice that fails to respond and vacate the Campground is deemed to be trespassing and all the provisions of the Alberta Petty Trespass Act, Chapter P-11, RSA 2000 apply.

12. VEHICLES

- a) No person shall operate a vehicle in NARDAM Park, except on a roadway provided for such use or for maintenance.
- b) No person shall park a vehicle in NARDAM Park, except in an area designated for such use or for maintenance.
- c) No person shall operate an off-highway vehicle in NARDAM Park other than for maintenance.
- d) No person shall operate a vehicle in NARDAM Park in excess of ten (10) kilometers per hour or as otherwise posted.

13. SALE OF GOODS AND SERVICES

- a) The Public Works Supervisor may make regulations governing the sale of goods and services in NARDAM Park.
- b) No person shall make available for sale good and services in NARDAM Park unless:
 - i) Such activity is permitted by the regulations; and
 - ii) The Public Works Supervisor has first given written approval.

14. ADVERTISING

No person shall advertise or publicize anything in NARDAM Park by any means without the prior written approval of the Public Works Superintendent.

15. SUPERVISION OF CHILDREN

Parents and/or Guardians are responsible for supervision of their children in NARDAM Park.

16. SUPERVISION OF DOGS

Any animal causing a disturbance or owners not picking up wastes may result in the camper being asked to leave NARDAM Park. Dogs must be on a leash at all times when not in the Camping Unit.

17. FISHING

Fishing licenses are required for NARDAM Park stocked fish pond. A limit of 5 fish per day is permitted and catch release is encouraged but not required. Fish cleaning is not permitted inside the fenced pond area.

18. PENALTY PROVISION

- a) Nothing in this Bylaw relieves a person from complying with any provision of federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.
- b) A person who contravenes a provision of this Bylaw is guilty of an offence, and where no penalty is otherwise provided, is liable by way of summary conviction to a fine of not less than \$100.00 and not more than \$2500.00 and in default of payment of the fine and costs, including the cost of committal, to imprisonment for a term not exceeding six (6) months.
- c) The section of the Bylaw which was contravened shall be indicated on a ticket, as well as the time, date, and place which the accused is required to appear before a Justice in Provincial Court.
- d) A ticket shall be deemed to be sufficiently served:
 - i) if served personally on the accused, or if mailed by registered mail to the address of the registered owner of the vehicle concerned, or to the person concerned; or
 - ii) if attached to or left upon the vehicle in respect of which the offence is alleged to have been committed;
 - iii) notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this section may exercise his right to defend any charge of contravention, of any of the provisions of this Bylaw;
 - iv) a person to whom a ticket has been issued pursuant 11 (b) has 24 (twenty-four) hours to have the unit removed;

Schedule "A" – Penalties

Section	Description	Penalty
5	Climb on or over fences located in or at the edges of NARDAM Park	\$100.00
6	Disobey a directive sign placed in NARDAM Park	\$100.00
7(a)(i), (ii) and (iii)	Damage, deface, destroy or remove structure, property, vegetation, or any other material	\$500.00
7(b)	Deposit waste in NARDAM Park	\$200.00
8 i, i) ii) iii)	Engage in prohibited activity	\$200.00
8 ii, i)	Propel a golf ball in NARDAM Park other than for the purpose of mini-golf	\$200.00
8 ii, ii)	Archery	\$200.00
8 ii, iii)	Use of Sling Shot	\$200.00
8 ii, iv)	Shoot projectile of any nature except horseshoes in designated area	\$200.00
8 ii, v)	Discharge of fireworks or fire crackers	\$200.00
8 iii, i)	Interfere with approved exclusive use	\$200.00
8 iii, ii)	Start fire outside of designated area	\$200.00
8 iii, iii)	Use of offensive language or disorderly conduct	\$200.00
8 (iv)	Smoke or Vape where prohibited.	\$100
9(a)(c)	Causing Harm to or entering ice surface of frozen body of water in NARDAM Park and use of motorized watercraft	\$200.00
10(a)	Camping or tenting in unauthorized area	\$200.00
10(c)	Not registering required information	\$300.00
12(a)	Operate vehicle on other than roadway	\$200.00
12(b)	Park except in designated area(s)	\$50.00
12(c)	Operate Off-Highway vehicle in NARDAM Park	\$200.00

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12(d)	Operate motor vehicle in excess of 10 km/hr or as otherwise posted	\$150.00
13(b)(ii)	Sell goods in NARDAM Park without approval of Public Works Superintendent	\$100.00
14	Advertise or publish anything in NARDAM Park without Public Works Superintendent approval	\$100.00
16	Fail to pick up animal waste or dog off leash	\$100.00
17	In possession of more than 5 fish per day	\$200.00

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19. FEES FOR PENALTIES

Fees for Penalties as per "Schedule A" may be revised from time to time by Council resolution.

20. Coming into force of this Bylaw is effective upon the third and final reading and signing of the Bylaw.

Read a first time this 24 day of April, 2019

Read a second time this 24 day of April, 2019

Read a third time and finally passed this 24 day of April, 2019



Tony Van Rootselaar, Reeve



Kelly Hudson
Chief Administrative Officer